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Report of the Working Group on Enforced or Involuntary Disappearances

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council, the report of the Working Group on Enforced or Involuntary Disappearances, prepared pursuant to Council resolution 7/12. The Working Group was established by resolution 20 (XXXVI) of the Commission on Human Rights and its mandate was most recently extended by the Council in its resolution 36/6.

The mandate of the Working Group is to assist families of disappeared persons to ascertain the fate and whereabouts of their disappeared relatives; and to assist and monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance and to provide States with assistance in the prevention and eradication of enforced disappearances.

Since its inception in 1980, the Working Group has transmitted a total of 57,149 cases to 108 States. The number of cases under active consideration stands at 45,499 in a total of 92 States. During the reporting period, 404 cases were clarified.

In its report, the Working Group provides information on the activities carried out and the communications and cases examined from 18 May 2017 to 2 May 2018. The report includes a section on the preliminary observations on the issue of standards and public policies for an effective investigation of enforced disappearances.

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Report of the Working Group on Enforced or Involuntary Disappearances*

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* The annexes to the present report are circulated without formal editing in the language of submission only.

I. Introduction

1. The Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism to be established with a universal mandate, by the Commission on Human Rights resolution 20 (XXXVI). The mandate was most recently extended by the Human Rights Council in its resolution 36/6.

2. The primary task of the Working Group is to assist families in determining the fate or whereabouts of their family members who are reportedly disappeared. In that humanitarian capacity, the Working Group serves as a channel of communication between family members of victims of enforced disappearance and other sources reporting cases of disappearances, and the Governments concerned.

3. Following the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance (General Assembly resolution 47/133), the Working Group was entrusted with monitoring the progress of States in fulfilling their obligations derived from the Declaration. The Human Rights Council, in its resolution 7/12, encouraged the Working Group to provide assistance in the implementation by States of the Declaration and of existing international rules.

4. The present report contains information on the activities of and communications and cases examined by the Working Group from 18 May 2017 to 2 May 2018. A summary of the decisions on individual cases taken by the Working Group and communications transmitted to the States concerned during the reporting period is presented in section III.

5. Since its inception, the Working Group has transmitted a total of 57,149 cases to 108 States. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 45,499 in a total of 92 States. During the reporting period, 404 cases were clarified.

II. Activities of the Working Group from 18 May 2017 to 2 May 2018

A. Activities

6. During the period under review, the Working Group held three sessions: the 113th session, from 11 to 15 September 2017 (A/HRC/WGEID/113/1); the 114th session from 5 to 9 February 2018 (A/HRC/WGEID/114/1); and the 115th session from 23 April to 2 May 2018 (A/HRC/WGEID/115/1). The reports on the sessions should be considered complements to the present report. The 114th session was held in Brussels and the other sessions were held in Geneva.

7. During the 113th session, Bernard Duhaime was appointed Chair-Rapporteur of the Working Group and Tae-Ung Baik as Vice-Chair.

8. On 11 September 2017, former Chair-Rapporteur Houria Es Slami presented the annual report for the period from 19 May 2016 to 17 May 2017, and its addenda, to the Human Rights Council at its thirtieth-sixth session, and participated in the interactive dialogue with States.

9. Between 27 and 30 June 2017, the former Chair-Rapporteur represented the Working Group during the 24th annual meeting of the special procedure mandate holders of the Human Rights Council.

10. On 20 October 2017, the Chair-Rapporteur addressed the General Assembly at its seventy-second session and participated in the interactive dialogue with Member States.

11. The Working Group continues its practice of holding one of its sessions every year outside Geneva. The Working Group held its 114th session in Brussels from 5 to 9 February 2018. The Working Group is grateful to the Government of Belgium for this opportunity.

12. On 5 February 2018, the Working Group held a public event on enforced disappearances in the twenty-first century at the margins of its 114th session in Brussels.[1]

13. During the reporting period, all the members of the Working Group carried out a number of activities connected to enforced disappearances, which included their participation in conferences, consultations, seminars, training events, workshops and lectures, organized by Governments and/or civil society organizations.

14. The Working Group is thankful for the continuous support, including through voluntary contributions, provided by donor States, notably, France, Japan and the Republic of Korea.

B. Meetings

15. During the period under review, representatives of the Governments of Argentina (113th), Angola (113th), Bahrain (113th); Egypt (113th and 115th), Japan (113th, 114th and 115th), Mexico (114th), Morocco (113th, 114th and 115th), Pakistan (115th), Portugal (113th, 114th and 115th), Sudan (115th), Thailand (115th), Turkmenistan (113th and 115th) and Viet Nam (114th) attended the sessions of the Working Group. A number of informal meetings were also held with representatives from various States. The Working Group expresses its appreciation to those Governments for the meetings and emphasizes the importance of cooperation and dialogue.

C. Communications

16. During the reporting period, the Working Group transmitted 802 new cases of enforced disappearance to 40 States.

17. The Working Group transmitted 264 of the above-mentioned cases under the urgent action procedure to 21 States.

18. The Working Group clarified 404 cases in 17 States. Of the 404 cases, 337 were clarified on the basis of information provided by Governments and 67 on the basis of information provided by sources.

19. The Working Group transmitted 9 prompt intervention communications addressing allegations of harassment of and/or threats to human rights defenders and relatives of disappeared persons in: Egypt (4), Guatemala (1), India (1), Iran (Islamic Republic of) (2) and Pakistan (1).

20. The Working Group transmitted 14 urgent appeals concerning persons who had been arrested, detained, abducted or otherwise deprived of their liberty or who had been forcibly disappeared or were at risk of disappearance in: Afghanistan (1), Azerbaijan (1), Bahrain (1), Burundi (1), China (1), Democratic Republic of the Congo (1), Egypt (2), Iraq (1), Lebanon (1), Libya (1), Mexico (1), Saudi Arabia (1) and Sudan (1).

21. The Working Group transmitted 10 general allegations — related to obstacles in the implementation of the Declaration — to the Governments of: Algeria (1), Burundi (1), China (1), Colombia (1), Egypt (1), Mexico (1), Pakistan (1), Russian Federation (1), Thailand (1) and Uruguay (1).

22. It also transmitted 10 other letters addressing issues related to enforced disappearances to the Governments of: Argentina (1), Chad (1), Egypt (1), Guatemala (1), Kenya (1), Mexico (2), Nepal (1), Peru (1) and Uganda (1).

[1] See www.ohchr.org/Documents/Issues/Disappearances/EnforcedDisappearance21stCentury.pdf.

D. Country visits

23. The Working Group visited the Gambia from 12 to 19 June 2017 (see A/HRC/39/46/Add.1). The Working Group thanks the Government of the Gambia for the invitation and for the cooperation extended to it before, during and after its visit. It encourages the Government of the Gambia to fully implement the recommendations contained in the country visit report.

24. The Working Group also thanks the Governments of Ukraine and Mali, which have extended an invitation to the Working Group to visit their countries during the reporting period. The visit to Ukraine took place from 11 to 20 June 2018 and the visit to Mali is scheduled to take place in the last quarter of 2018.

25. During the reporting period, the Working Group requested visits to Lebanon, Mali and Yemen.

26. In addition to these new requests, the Working Group reiterated its requests, to which it has still not received a positive response, to visit: Bangladesh, Bahrain, Belarus, Burundi, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, India, Indonesia, Kenya, Nepal, Nicaragua, Philippines, Russian Federation, Rwanda, South Africa, Syrian Arab Republic, Thailand, Turkmenistan, United Arab Emirates, Uzbekistan and Zimbabwe. The Working Group invites all States that have received a request for a visit by the Working Group to respond favourably to it, in accordance with Human Rights Council resolution 21/4.[2]

27. The visit to the Sudan scheduled for November 2017 was postponed due to a lack of understanding about the terms of reference for the visit (see para. 130 below).

28. The Working Group once again recalls that the Islamic Republic of Iran agreed to a visit by the Working Group in 2004, more than a decade ago, which was delayed at the request of the Government. Similarly, the Working Group reiterates its regret that it has yet to visit Algeria, in spite of an invitation extended in 2014.

29. In February 2016, the Government of South Sudan invited the Working Group to visit. However, it did not respond to a subsequent letter from the Working Group sent in April 2016, proposing two dates for a visit to the country in the last quarter of 2017. The visit to Libya, postponed in May 2013 for security reasons, is still pending.

E. Follow-up reports and other procedures

30. The Working Group has prepared follow-up reports on the implementation of recommendations made following its visits to Croatia, Montenegro and Serbia, as well as Kosovo.[3] The follow-up reports are contained in an addendum to the present report (A/HRC/39/46/Add.2). The Working Group encourages all concerned actors to implement the outstanding recommendations.

F. Press releases and statements

31. On 16 June 2017, the Working Group issued a press release requesting the Supreme Court of Argentina to reconsider a judgment to reduce sentences, including in cases of crimes against humanity.[4]

32. On 19 June 2017, the Working Group issued a press release on its preliminary observations on its visit to the Gambia.[5]

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[2] Please see annex I for country visit requests and invitations extended.

[3] All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

[4] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21758&LangID=S.

[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21771&LangID=E.

33. On 19 July 2017, the Working Group issued a press release, jointly with other mandate holders, urging the Mexican Government to carry out a transparent, independent and impartial investigation into allegations of monitoring and illegal surveillance against human rights defenders, social activists and journalists.[6]

34. On 29 August 2017, the Working Group issued a press release, jointly with the Committee on Enforced Disappearances, on the occasion of the International Day of the Victims of Enforced Disappearances calling on States worldwide to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.[7]

35. On 11 September 2017, on the occasion of the presentation by the Chair-Rapporteur of the Working Group's annual report to the Human Rights Council, the Working Group issued a press release warning States that migrants were facing heightened risks of becoming victims of enforced disappearance and that the international community should do much more in that respect.[8]

36. On 15 September 2017, the Working Group issued a press release, jointly with other mandate holders, expressing dismay at the arrest in Egypt of lawyer Ibrahim Metwally en route to meet them in Geneva.[9]

37. On 18 September 2017, at the conclusion of its 113th session, the Working Group issued a press release.[10]

38. On 20 October 2017, on the occasion of a presentation by the Chair-Rapporteur of the Working Group to the General Assembly, the Working Group issued a press release calling on States to put an end to the scourge of enforced disappearance, which should not exist in the twenty-first century.[11]

39. On 23 November 2017, the Working Group issued a press release, jointly with other mandate holders, condemning the jailing of human rights lawyer Jiang Tianyong.[12]

40. On 1 December 2017, the Working Group issued a press release, jointly with several other mandate holders, urging States to ensure a human rights-centered approach when developing the global compact for migration, as they were entering the stocktaking and negotiating phase.[13]

41. On 5 December 2017, the Working Group issued a press release, jointly with other mandate holders and expert bodies, welcoming the conviction of 48 people in Argentina, including military personnel and civilians, for torture, murder and enforced disappearances during the country's previous military dictatorship.[14]

42. On 14 December 2017, the Working Group issued a press release, jointly with several other mandate holders, calling on Mexico to reject a draft law on internal security and warning that giving the armed forces a leading role in security matters could weaken the protection of human rights.[15]

43. On 28 December 2017, the Working Group issued a press release, jointly with other mandate holders, regretting the granting of the pardon to former President Fujimori in Peru.[16]

44. On 16 January 2018, the Working Group issued a press release welcoming the entry into force of the law on disappearance in Mexico.[17]

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[6] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21892&LangID=E.
[7] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22005&LangID=E.
[8] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22047&LangID=E.
[9] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22079&LangID=E.
[10] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22122&LangID=E.
[11] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22270&LangID=E.
[12] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22437&LangID=E.
[13] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22477&LangID=E.
[14] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22490&LangID=E.
[15] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22535&LangID=E.
[16] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22568&LangID=E.

45. On 26 January 2018, the Working Group issued a press release calling on Egypt to halt all pending executions following repeated allegations of death sentences handed out on the basis of evidence obtained through torture or ill-treatment, often during a period of enforced disappearance.[18]

46. On 9 February 2018, at the conclusion of its 114th session, the Working Group issued a press release.[19]

47. On 23 March 2018, the Working Group issued a press release, jointly with other mandate holders, expressing concern about the health of human rights lawyer Jiang Tianyong jailed in China.[20]

48. On 30 April 2018, the Working Group issued a press release, jointly with other special procedure mechanisms, expressing concern at the trial of four men in Bahrain that reportedly breached fair trial and due process guarantees, including confessions obtained under torture.[21]

G. Interim report on standards and public policies for an effective investigation of enforced disappearances

1. Introduction

49. Enforced disappearances differ from other crimes against a person's liberty because of the participation of the State (directly or with its support or acquiescence) and the denial of such a deprivation of liberty or concealment of the fate or whereabouts of the victim. This generates impunity and harms the relatives of the disappeared, who are also considered victims of the crime, in a particular way.[22]

50. Faced with this reality, and its recurrence (even systematically and in a generalized way), in different parts of the world, international human rights law has been slowly building a legal framework to protect against enforced disappearances. One of the first developments in this direction was the obligation of States to investigate disappearances effectively, exhaustively and impartially, as established by international human rights instruments.

51. This obligation has been developed through the jurisprudence of both international bodies and national courts, as well as the practice of different States. Currently, the obligation to investigate also has a strong normative basis in the Declaration on the Protection of All Persons from Enforced Disappearance[23] and the International Convention for the Protection of All Persons from Enforced Disappearance.[24]

52. However, the question of how to implement this obligation (i.e. based on which standards or through which public policies or institutions) deserves to be studied carefully and comparatively, in order to recognize good practices and be able to detect negative experiences.

53. As has been described in the updated set of principles to combat impunity, an effective policy to combat impunity requires a multifaceted strategy, with each component playing a necessary but only partial role (see E/CN.4/2004/88, para. 10).

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[17] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22588&LangID=E.

[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22613&LangID=E.

[19] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22653&LangID=E.

[20] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22890&LangID=E.

[21] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23010&LangID=E.

[22] See art. 24 (1) of the International Convention for the Protection of All Persons from Enforced Disappearance.

[23] See art. 13, which establishes the right "to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority" for any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance.

[24] See art. 12.

54. With this in mind, the Working Group decided to address the issue of standards and public policies for an effective investigation of enforced disappearances. In the present report, the Working Group outlines the main elements around this issue, with the aim of studying them further over the course of the next reporting cycle. The Working Group will hold an expert consultation and is open to receive inputs on the issue from States, families of the disappeared, civil society, United Nations mechanisms or agencies and other interested stakeholders.

2. Existing standards

55. The study will compile, in accordance with international human rights law, in particular the Declaration and the Convention, which rights and State obligations arise from the duty to investigate. Many of these rights and obligations stem from the three international human rights instruments on enforced disappearances,[25] while others derive from provisions contained in other human rights treaties,[26] customary law, soft law or national or international court decisions.

56. The obligation to investigate with due diligence was originally included in the first judgment of the Inter-American Court of Human Rights in the *Velásquez Rodríguez* case[27] and later developed in multiple court judgments. The first set of Court judgments dealt with the complete lack of national investigations in many Latin American countries, which had faced dictatorships from the 1960s to the 1980s. Habeas corpus proceedings were usually futile, judiciaries commonly lacked impartiality and the systems for criminal investigation and prosecution were not prepared to deal with crimes committed or sponsored by States.

57. This is why international human rights mechanisms, triggered by the litigation initiated by the families of the disappeared, had to decide on cases of enforced disappearances that had begun a long time before. Many local cases were closed as a result of statutes of limitations; many others were dropped with the justification that, in the absence of a body, there was no criminal responsibility; but most of the investigations were halted in the context of amnesty laws or were ineffectively carried out by military jurisdictions. In addition to total impunity, searches were not carried out for the victims, as they were only conceived as being necessary as part of a criminal investigation. Such circumstances also occurred in other regions in which enforced disappearances were and are still being committed, as the Working Group has been documenting since 1980.

58. The reaction from international human rights bodies was the development of jurisprudence based on existing human rights treaties and specific instruments focusing on enforced disappearances, notably the Declaration, the Convention and the Inter-American Convention on Forced Disappearance of Persons, in which many of the standards related to the duty to investigate were developed and later enriched by the human rights mechanisms mandated to monitor and enforce them.

59. Article 18 of the Declaration prohibits amnesties or similar measures that might benefit persons who have or are alleged to have committed enforced disappearances.[28] The same article limits the right to pardon, taking into consideration the extreme seriousness of acts of enforced disappearance.[29]

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[25] The Declaration, the Convention and the Inter-American Convention on Forced Disappearance of Persons.

[26] International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), the American Convention on Human Rights and the African Charter on Human and Peoples' Rights.

[27] Inter-American Court of Human Rights, "*Velásquez Rodríguez v. Honduras*", judgment of 29 July 1988, para. 177.

[28] Nine years later, on 14 March 2001, in the case *Barrios Altos v. Peru*, the Inter-American Court of Human Rights established that amnesties in cases of grave violations of human rights, such as enforced disappearances, were against the American Convention on Human Rights.

[29] See also the Working Group's general comment on article 17 of the Declaration (see E/CN.4/2001/68, paras. 25–32).

60. Article 17 of the Declaration also establishes that, when the remedies provided for in article 2 of the International Covenant on Civil and Political Rights are no longer effective, statutes of limitations related to acts of enforced disappearances should be suspended until these remedies are re-established. In addition, it provides that where they exist, statutes of limitations relating to acts of enforced disappearance should be commensurate with the extreme seriousness of the offence. When the crime is committed in the context of a widespread or systematic practice, as in a crime against humanity, there should be no kind of statute of limitations.[30]

61. Furthermore, it is clear that investigations related to enforced disappearance should be carried out until the fate of the disappeared is clarified[31] and that this should be done within a reasonable time frame.

62. Articles 13 of the Declaration and 12 of the Convention contain an important set of principles to guide States in the investigation of enforced disappearances, beginning with the right to complain to a competent and independent State authority, and to have the complaint promptly, thoroughly and impartially investigated. Among those principles, the following could be highlighted: (a) investigative authorities should have access to any place of detention, official or not;[32] (b) the investigation should be undertaken without delay, even ex officio, without formal complaint;[33] (c) those suspected of having been involved in the disappearance should not have the possibility of influencing the investigation through pressure, acts of intimidation or reprisals;[34] (d) State agencies the members of which could be involved in the disappearance should not participate in the investigations (see A/HRC/33/51/Add.2, para. 82 (a), and CED/C/MEX/CO/1, para. 28 (d)); (e) authorities should have the necessary powers and resources to conduct investigations, including powers to compel the attendance of witnesses and the production of the relevant documents, including military, police and intelligence files.[35]

63. The study will also analyse the obligation of States on mutual cooperation in criminal proceedings, taking into consideration that, in the experience of the Working Group, enforced disappearance often manifests itself as a transnational crime, as described in the latest thematic report on enforced disappearances in the context of migration (see A/HRC/36/39/Add.2, para. 83).

64. The independence of the prosecution and the impartiality of the judgments also appear as guarantees that support the whole scheme of rights and State obligations to develop the duty to investigate. In this sense, the Declaration establishes that those accused of having committed an enforced disappearance should be tried by the competent ordinary courts and not by other special tribunals, in particular military courts.[36]

65. Finally, relatives of the disappeared have proven to be essential in the context of investigations and should have the right to know the truth, be granted full access to the investigation and participate in the proceedings.

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[30] See art. 5 of the Convention. The Working Group has always considered that, due to the continuous nature of the crime, it must be interpreted that the statutes of limitations, if applicable, should commence from the moment when the enforced disappearance ceases.

[31] See art. 13 (6) of the Declaration.

[32] See also art. 9 of the Declaration.

[33] See art. 13 (1) of the Declaration and art. 12 (2) of the Convention.

[34] See art. 12 (4) of the Convention.

[35] See art. 13 (2) of the Declaration and principle 16 of the updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1).

[36] See art. 16 (2) of the Declaration. See also the statement on enforced disappearance and military jurisdiction by the Committee on Enforced Disappearances (https://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/1_Global/INT_CED_SUS_7639_E.pdf, para. 3) and art. IX of the Inter-American Convention on Forced Disappearance of Persons.

3. Public policies to develop towards an effective investigation

66. The thematic study will also focus on the public policies to implement the obligation to investigate based on the accumulated experience of the Working Group during its 38 years of existence.

67. The State obligation to include enforced disappearances as an autonomous crime (see A/HRC/13/31, para. 649), as provided for in article 3 of the Declaration, appears essential for an effective investigation, as it allows the investigative authorities to understand the specific nature of the crime and the different investigative skills required, which are different from other crimes usually associated with enforced disappearances, such as kidnapping, torture, extrajudicial execution and arbitrary detention.

68. Criminalization of enforced disappearances is also directly linked with the need to design special investigative and prosecutorial units, as have been developed recently in many States. The creation of these units allows cases to be investigated jointly and with a context perspective, rather than investigating them separately. Special units are usually staffed by professionals from different disciplines, such as anthropology, forensic science, psychology and information and communication technology, rather than only lawyers. This holistic approach to investigation allows a better strategy for the prioritization of cases and better use of new investigative techniques, including assessment of scientific evidence.

69. Another element that will be addressed in the study relates to one of the main obstacles to an effective investigation of cases of enforced disappearances, notably the recurrent threats against the complainant, relatives, witnesses, lawyers, human rights defenders, journalists and often also the authorities in charge of the investigation. An effective policy to investigate enforced disappearances is possible only when adequate State resources are available to protect any person involved in the investigation.

70. Security for those involved in the investigations is also essential in order to create an environment in which it is possible for family members and civil society to document cases, which often produces effective results, even if this should not replace the obligations of the State.

71. It is also of the utmost importance that the authorities in charge of the investigation be allowed to access all the archives in which the relevant information could be found. This should be accompanied by appropriate policies for the preservation and disclosure of archives.

72. The lack of professional and independent forensic institutions has also been an obstacle in many cases. That is why there is a need to guarantee the development of local forensic teams that can deal with the challenges that this complex crime entail.

73. Coordination between State agencies is another essential element for effective investigations, better administration of limited resources, clear accountability and the necessary exchange of information among those involved in the investigation.

74. In the study, the working Group will also deal with how enforced disappearances have been investigated in the context of transitional justice and analyse the development of the different schemes in terms of full reparation to victims in the light of the experience of the Working Group.

75. Lastly, the Working Group will study how investigations should be carried out when the victims are exposed to situations of vulnerability, such as is often the case with children, women, migrants, human rights defenders. indigenous people and social leaders, among others.

4. Effective investigation and full reparation

76. As mentioned above, an effective investigation is indispensable in guaranteeing the right of victims to know the truth. As defined by the Working Group in its general comment on the right to truth in relation to enforced disappearance, the right to the truth means the right to know about the progress and results of an investigation, the fate or whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s) (see A/HRC/16/48, p. 14, para. 1).

77. In the report, the Working Group will also focus on this relationship. For example, how truth commissions, commissions of inquiry or teams of international independent experts can provide useful elements in criminal investigations.

78. An effective investigation is also a vehicle for the accomplishment of all the pillars of full reparation, including not only justice, but also the guarantees of non-recurrence.

5. The search for the disappeared

79. In the thematic report, the Working Group will not deal with the search for the disappeared, i.e. the mechanisms and policies created at the institutional level to search for those who are missing, as this is an issue with its own specific standards and experiences, which would deserve a specific and separate study. However, there is an obvious interaction between the criminal investigation of enforced disappearances and the search for the disappeared, and therefore the Working Group will inevitably explore some elements of this relationship. In this regard, it should be also noted that the Committee on Enforced Disappearances has begun the process of developing guidelines on the search for the disappeared.

III. Decisions on individual cases taken by the Working Group and communications transmitted to the States concerned during the reporting period[37]

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by:		Number of cases of possible clarification by Government (six-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Afghanistan	3						3		1						
Albania	1						1								
Algeria	3 179		49				3 228			1					1
Angola	2					1	2								
Argentina	3 241			157		19	3 084				1				1
Azerbaijan	0	1					1		1				1		
Bahrain	4	1		1	2		2		1				1		
Bangladesh	49	3	5				57								
Belarus	3						3								
Bhutan	0		1			1	1								
Bolivia (Plurinational State of)	28						28								
Brazil	13						13								
Burundi	58	2	6				66		1	1					
Cambodia	1						1								

[37] Urgent actions are cases of enforced disappearances that have occurred within three months prior to the receipt of a report by the Working Group; or cases of enforced disappearances that have occurred prior to the three-month limit, but within one year prior to the receipt of a report by the Working Group, provided that there is a link with a case that occurred within the three-month period. Standard cases are cases of enforced disappearances that have occurred prior to the three-month limit. Prompt intervention letters concern cases of intimidation, persecution or reprisal against families of disappeared persons, witnesses, lawyers, human rights defenders and other individuals concerned with disappearances. Urgent appeals concern allegations of enforced disappearances; or allegations regarding persons deprived of liberty who are at risk of being disappeared. General allegations concern alleged obstacles encountered in the implementation of the Declaration.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by:		Number of cases of possible clarification by Government (six-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Cameroon	14						14								
Central African Republic	3						3								
Chad	23						23				1				
Chile	785						785								
China	43	2	3		3		45		1	1					
Colombia	973						973			1					
Congo	89						89								
Democratic People's Republic of Korea	167	1	65				233								
Democratic Republic of Congo	48	1			1		48		1						
Dominican Republic	2						2								
Ecuador	5						5								
Egypt[16]	258	173	14	54	27	104	363	4	2	1	1	2	1		
El Salvador	2 282						2 282					1			
Equatorial Guinea	8						8								
Eritrea	62						62								
Ethiopia	113						113								
France	1						1								

[16] The Working Group determined during its 114th session that one case was a duplicate and subsequently expunged it from the records.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by:		Number of cases of possible clarification by Government (six-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Gambia	4		9				13								
Greece	1						1								
Guatemala	2 897						2 897	1			1				
Guinea	37						37								
Guyana	1						1								
Haiti	38						38								
Honduras	130						130								
India	368		28				396	1							
Indonesia	163		1				164								
Iran (Islamic Republic of)	528	4	4	1		4	535	2				1	1		
Iraq	16 416	1	2				16 419		1						
Israel	2		1				3								
Jordan	3	1			1		3								
Kenya	77						77				1				
Kuwait	1						1								
Lao People's Democratic Republic	2						2								
Lebanon	313		1				314		1				1		
Libya[39]	33	5	13				50		1						
Malaysia	1		1				2								
Maldives	1						1								
Mauritania	4	1	1		1		5								

[39] The Working Group determined during its 115th session that one case was a duplicate and subsequently expunged it from the records.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by:		Number of cases of possible clarification by Government (six-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Mexico	377		2		6		371		1	1	2	1		3	2
Morocco[40]	140		24			15	160								
Mozambique	3						3								
Myanmar	2						2								
Namibia	2						2								
Nepal	470		10				480				1				
Nicaragua	103						103								
Nigeria	0		1				1								
Oman[41]	1						0								
Pakistan	723	50	115	110	22	156	747	1		1					
Peru	2 365			1			2 364				1				1
Philippines	625						625								
Republic of Korea	3						3								
Russian Federation	808	1					809			1					
Rwanda	23						23								
Saudi Arabia[42]	5	6	2	1	2		12		1						
Seychelles	3						3								
Somalia	1						1								
South Africa	1		1				2								
South Sudan	2		1				3								

[40] The Working Group determined during its 115th session that four cases were duplicates and subsequently expunged them from the records.

[41] The Working Group decided at its 113th session to transfer the case from Oman to Yemen.

[42] The Working Group decided at its 115th session to reopen two cases based on new information provided by sources.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by:		Number of cases of possible clarification by Government (six-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Spain	7			1			6								
Sri Lanka	5 859		99				5 958								
Sudan	174	2	2	1	1		176		1						
Syrian Arab Republic	218	2	68	1			287								
Tajikistan	3						1								
Thailand	82		4				86			1					
Timor-Leste	428						428								
Togo	10						10								
Tunisia	12						12								
Turkey	95	4		6	1		92						1		
Turkmenistan	4		2	1			5								
Uganda	15						15				1				1
Ukraine	5		1				6								
United Arab Emirates[43]	5	2	1				5								
United States of America	4		1				5								
Uruguay	20						20				1		1		
Uzbekistan	7						7								
Venezuela (Bolivarian Republic of)	16			1			15								
Viet Nam	1			1			0								

[43] The Working Group decided at its 113th session to discontinue the consideration of three outstanding cases in accordance with paragraph 28 of its methods of work.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by:		Number of cases of possible clarification by Government (six-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Yemen[44]	12	1					14								
Zimbabwe	5						5								
State of Palestine	4						4								

[44] The Working Group decided at its 113th session to transfer a case from Oman to Yemen.

IV. Observations

80. In addition to the observations formulated in its post-session documents (see para. 7 above), the Working Group makes the following country-specific observations based on the cooperation received and on significant developments regarding its mandate during the reporting period.

Algeria

81. The Working Group reiterates its disappointment (see A/HRC/30/38, para 58, A/HRC/33/51 para. 82, and A/HRC/36/39, para 64) that, in spite of an official communication received in February 2014 in which the Government invited the Working Group to visit Algeria during the second semester of 2014, it has not accepted the different dates offered by the Working Group. The Working Group continues to hope that it can soon be allowed to conduct a visit to the country.

Bahrain

82. On 27 October 2014, the Working Group requested an invitation to visit the country. No positive response has yet been received, in spite of reminders sent on 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Bangladesh

83. The Working Group is concerned at the lack of replies to the cases and communications transmitted, including in connection with three general allegations transmitted on: 4 May 2011, concerning the alleged frequent use of enforced disappearance as a tool by law enforcement agencies, and paramilitary and armed forces to detain and even to execute individuals extrajudicially (see A/HRC/22/45 and Corr.1, para. 33, and A/HRC/30/38, para. 61); 9 March 2016, concerning the reportedly alarming rise in the number of cases of enforced disappearance in the country (see A/HRC/WGEID/108/1, para. 6); and on 22 February 2017, concerning allegations of grave human rights abuses and violations committed by the security and intelligence forces, as well as law enforcement authorities (see A/HRC/WGEID/111/1, para. 24 and annex II).

84. On 12 March 2013, the Working Group requested an invitation to visit the country. No response has yet been received from the Government in spite of reminders sent on 27 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Burundi

85. The Working Group continues to be concerned (see A/HRC/33/51, paras. 85–86, and A/HRC/36/39, para. 68) about the situation in Burundi, which may facilitate the occurrence of enforced disappearances. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

86. On 27 May 2009, the Working Group requested an invitation to visit the country. The Working Group regrets that, on 27 March 2017, the Government declined to issue an invitation and hopes that due consideration will be given to its last reminder sent on 19 January 2018.

China

87. The Working Group reiterates its concern in relation to individuals who were detained in China, and placed under investigation, yet whose exact whereabouts remain unknown (see A/HRC/36/39, para. 71, A/HRC/WGEID/113/1, para. 29, and A/HRC/WGEID/115/1, paras. 23–24). The Working Group reiterates that these conditions of detention are a form of enforced disappearance, and urges the Government of China to disclose the fate and whereabouts of all detained persons, regardless of the nature of the charges against them. The Working Group reiterates that accurate information on the detention of persons deprived of liberty and their place or places of detention, including transfers, should be made available promptly to their family members, their counsel or to any other persons having a legitimate interest in the information (art. 10 (2) of the Declaration).

88. The Working Group is concerned at the very high number of enforced disappearances of Uighurs, which escalated dramatically in 2017 with the introduction of "re-education" camps in the Xinjiang Uighur Autonomous Region by the Government of China (see A/HRC/WGEID/115, annex I).

89. On 19 February 2013, the Working Group requested an invitation to undertake a visit to the country. No response has yet been received from the Government in spite of reminders sent on 27 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Democratic People's Republic of Korea

90. The Working Group reiterates its previous call to the Security Council to consider referring the situation in the Democratic People's Republic of Korea to the International Criminal Court (see A/HRC/27/49, para. 72).

91. The Working Group took note of the statements released after the summit between the Democratic People's Republic of Korea and the Republic of Korea on 27 April 2018, in which the two countries agreed to endeavor to swiftly resolve the humanitarian issues that had resulted from the division of the nation. The Working Group urges that the issue of enforced disappearances, including the fates and whereabouts of the abductees, should be resolved during that process.

92. On 22 May 2015, the Working Group requested an invitation to visit the country. No response has yet been received from the Government in spite of reminders sent on 18 November 2016 and 19 January 2018. It hopes that a positive reply will be received soon.

Democratic Republic of the Congo

93. The Working Group continues to be concerned (see A/HRC/36/39, para. 77) about the situation in the Democratic Republic of the Congo, which may facilitate the occurrence of enforced disappearances. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

94. On 17 May 2017, the Working Group requested an invitation to undertake a visit to the country. It hopes that a positive reply will be received soon.

Egypt

95. While the Working Group thanks the Government for its large number of replies, which continue to demonstrate the Government's commitment to engage with the Working Group and have allowed it to clarify a large number of cases, it remains concerned by the number of new cases that continue to be received. During the reporting period, it transmitted 173 new cases under its urgent action procedure to the Government (see A/HRC/WGEID/113/1, para. 43, A/HRC/WGEID/114/1, para. 46, and A/HRC/WGEID/115/1, para. 36). It reminds the Government that the clarification of many

of the cases does not exonerate it from its obligations under the Declaration, including to take all measures necessary to prevent similar cases in the future. The Working Group is concerned that, notwithstanding repeated calls to address what appears to be a systemic problem relating to short-term enforced disappearances, the situation does not seem to have improved and calls for urgent action in this regard from the Government.

96. The Working Group also expresses serious concern about the shrinking space of civil society in Egypt and the chilling effect that this may have on individuals and organizations that report on alleged enforced disappearances. It highlights in this respect its serious concern at the case of Mr. Metwally, a lawyer and father of someone who has disappeared, who was arrested on 12 September 2017 in Egypt on his way to a meeting with the Working Group at its 113th session in Geneva (see para. 36 above). While noting the information in the lengthy response provided by the Government of Egypt to the communication sent on this case on 3 October 2017, the Working Group reiterates that the arrest and charges against Mr. Metwally point to an act of reprisal for his cooperation with a United Nations human rights mechanism, and a deliberate obstruction of his legitimate human rights activity to seek to establish the fate and whereabouts of his son and other disappeared people in Egypt. The Working Group also emphasizes that, as provided for in article 13 of the Declaration, those involved in the investigation of enforced disappearance should be protected against ill-treatment, intimidation or reprisal. It has requested an update on his case and the outstanding questions raised in the aforementioned communication and hopes to receive this information soon.

97. On 30 June 2011, the Working Group requested an invitation to visit the country. No response has yet been received from the Government in spite of reminders sent on 8 November 2012, 18 September 2013, 27 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

El Salvador

98. The Working Group welcomes two rulings from the Constitutional Chamber of the Supreme Court that ordered the Ministry of Defence and the military to conduct an internal investigation and to deliver information about military operations that involved the disappearance of children during the armed conflict (operations "guinda de mayo" and "invasión anillo").

99. The Working Group also takes note with interest of the appointment of the commissioners of the National Commission for the Search of Disappeared Persons during the armed conflict in El Salvador (CONABÚSQUEDA) and awaits for the beginning of its activities and the creation and implementation of a national search plan.

Eritrea

100. The Working Group regrets its total lack of interaction with the Government of Eritrea, including the lack of a reply to the general allegation transmitted on 21 March 2017 in relation to the alleged widespread and systematic human rights violations, including enforced disappearances, committed throughout the country over the past 25 years (see A/HRC/WGEID/111/1, para. 52 and annex II).

101. The Working Group reiterates its endorsement of the call made by the commission of inquiry on human rights in Eritrea for the Security Council to consider referring the situation in Eritrea to the International Criminal Court (see A/HRC/32/47, para. 132, and A/HRC/36/39, para. 82).

Guatemala

102. The Working Group welcomes the ruling issued on 23 May 2018 by the High Risk "C" Tribunal in Guatemala against four high-ranking former military officials for crimes

against humanity, aggravated sexual violence and enforced disappearance in the Molina Theissen case. The Working Group expects this decision to be a milestone in the fight against impunity and hopes to be able to visit the country soon to follow up on this process.

103. The Working Group remains nevertheless concerned about draft law 5377, which would reform the National Law on Reconciliation (Decree 145-96) and establish a general amnesty and a total abolition of criminal accountability for those responsible for grave violations of human rights during the internal conflict.

Iran (Islamic Republic of)

104. The Working Group remains concerned at the information received concerning acts of harassment and intimidation against persons who have reported cases of enforced disappearances or who have actively campaigned to learn the truth about their disappeared relatives and sought justice for them (see A/HRC/WGEID/113/1, para. 66, and A/HRC/WGEID/114/1, para. 65). The Working Group would like to emphasize that, according to article 13 (3) of the Declaration, steps should be taken to ensure that all those involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

105. The Working Group regrets that no information has been received from the Government in connection with the general allegation transmitted on 28 February 2017, concerning the alleged lack of action to investigate unmarked graves and impunity for the disappearance and extrajudicial execution of 5,000 political prisoners in the Islamic Republic of Iran in the 1980s (see A/HRC/WGEID/111/1 para. 68 and annex II).

106. The Working Group once again recalls the fact that the Islamic Republic of Iran agreed to a visit by the Working Group in 2004, which was delayed at the request of the Government. The visit has not yet taken place, in spite of reminders sent on 20 July 2009, 16 August 2010, 18 August 2011, 8 November 2012, 18 September 2013, 28 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group calls upon the Government to set the dates for the visit as soon as possible.

Kenya

107. The Working Group reiterates its concern (see A/36/39, para. 88) at the lack of replies from the Government to its communications, including three general allegations transmitted on: 30 September 2014 in relation to enforced disappearances and other human rights violations reportedly carried out by the Anti-Terrorism Police Unit (see A/HRC/WGEID/104/1, paras. 71–78, and A/HRC/30/38, para. 76); on 4 March 2016 in relation to alleged human rights violations, including enforced disappearances of terrorism suspects, in the context of high-handed security measures, such as the "Usalama watch" security operation carried out in April 2014 (see A/HRC/WGEID/108/1, para. 6); and on 1 June 2017 in relation to reports of enforced disappearances of notably young Muslims in the coastal region of the country (see A/HRC/WGEID/112/1, para. 54). The Working Group reiterates that, as provided for in article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

108. On 19 February 2013, the Working Group requested an invitation to visit the country. No response has yet been received from the Government in spite of a reminders sent on 2 September 2013, 28 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Libya

109. The Working Group continues to be concerned at the volatile situation in Libya, which may facilitate the occurrence of enforced disappearances.

110. The Working Group hopes that conditions will soon be appropriate to visit Libya. Libya extended its invitation to the Working Group in 2012, but later suspended it due to security concerns.

Mexico

111. The Working Group notes with appreciation the entry into force of the general law on enforced disappearances and the federal law on declarations of absence of disappeared persons and recommends the swift and effective implementation of both laws with the participation of the families of the disappeared during the whole process. In particular, the Working Group is concerned about the steps to guarantee the independence of the National Search Unit.

112. The Working Group regrets the approval by Congress of the Law on Internal Security (see para. 42 above) and expresses its concern that the increased role of the armed forces in internal security without proper control and accountability may create the conditions for the recurrence of human rights violations. It reiterates its recommendation after its visit in 2011 to Mexico and its follow-up report published in 2015, which called for the armed forces to be withdrawn from public security operations.

Myanmar

113. The Working Group continues to be concerned (see A/HRC/36/39, para. 92) at the consistent and reliable reports of grave and systematic human rights violations in the Rakhine State, including enforced disappearances (see A/HRC/37/70, para. 49). It emphasizes that, as provided for in article 2 of the Declaration, no State shall practise, permit or tolerate enforced disappearances and that, according to article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

114. In that respect, the Working Group notes with concern the general allegation transmitted on 9 June 2017, related to allegations of enforced disappearances following security operations in northern Rakhine State (see A/HRC/WGEID/112/1, paras. 72–73 and annex II) and requests that a reply be provided soon.

Nepal

115. The Working Group notes that the mandates of the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons have been extended. The Working Group regrets, however, that the extensions are always made on a yearly basis, which can impair the effectiveness of the work of these bodies. In that respect, the Working Group reiterates its call to the Government of Nepal (see A/HRC/36/39, para. 94) to guarantee the effective planning and functioning of those Commissions, including the provision of adequate resources.

116. The Working Group also reiterates its recommendation to accelerate the adoption of the bill that criminalizes enforced disappearances drafted by the Commission of Investigation on Enforced Disappeared Persons in 2015 (see A/HRC/36/39, para. 95), in consultation with relevant stakeholders, including victims and civil society organizations.

117. On 22 November 2016, the Working Group reiterated its request to visit the country, which was initially made in 2006. No response has yet been received from the Government in spite of a reminder sent on 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Pakistan

118. While the Working Group thanks the Government for the large number of replies, which continue to demonstrate the Government's commitment to engage with the Working

Group, it remains concerned by the number of new cases that continue to be received. During the reporting period, it transmitted 50 new cases under its urgent action procedure to the Government (see A/HRC/WGEID/113/1, para. 96, A/HRC/WGEID/114/1, para. 100, and A/HRC/WGEID/115/1, para. 76).

119. The Working Group reiterates the provisions of the Declaration, indicating that: steps should be taken to ensure that all those involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal (art. 13 (3)); and that any ill-treatment, intimidation or reprisal or any other form of interference during the lodging of a complaint or during the investigation should be appropriately punished (art. 13 (5)).

120. The Working Group reiterates its request (see A/36/39, para. 98) to conduct a follow-up visit after its visit in September 2012, as indicated in the follow-up report (see A/HRC/33/51/Add.7, para. 38).

Peru

121. The Working Group expressed its regret about the presidential pardon granted on 24 December 2017 to former President Fujimori on politically motivated grounds, who had been convicted for the crimes of extrajudicial killings, enforced disappearances and kidnapping (see para. 43 above). It remains worried about the impunity that the decision may entail, and recalls that international human rights law restricts the granting of amnesties, pardons or other exclusions of responsibility in cases of serious human rights violations, including enforced disappearances.

122. The Working Group awaits the implementation of the Law on the Search for the Disappeared and the results of the National Plan on the Search for Disappeared Persons.

Philippines

123. The Working Group continues to be concerned at the situation in the Philippines (see A/HRC/36/39, paras. 99–100), notably in relation to the alleged high number of extrajudicial killings in the context of the "war on drugs", which may facilitate the occurrence of enforced disappearance. It emphasizes that, as provided for in article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

Russian Federation

124. The Working Group appreciates the replies received on a number of individual cases transmitted, but regrets that the investigations thereof have so far been unfruitful or inconclusive.

125. On 2 November 2006, the Working Group requested an invitation to visit the country. Reminders were sent on 4 June 2008, 20 July 2009, 16 August 2010, 18 August 2011, 8 November 2012, 2 September 2013, 27 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group regrets that the Russian Federation has indicated that it could not invite the Working Group to visit at this moment in time. It reiterates its request and hopes that a positive reply will be received as soon as possible.

Rwanda

126. The Working Group is concerned at the lack of replies to the cases and communications transmitted.

127. On 27 October 2014, the Working Group requested an invitation to visit the country. No positive response has yet been received, in spite of the reminders sent on 27 November

2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Sri Lanka

128. The Working Group notes the establishment of the Office of Missing Persons and urges the Government to ensure its functioning and implementation and take into account the recommendations made after the visit carried out in November 2015 (see A/HRC/33/51/Add.2, paras. 79–80).

129. The Working Group reminds the State that the families of the disappeared in Sri Lanka have waited too long to know the truth about the fate or whereabouts of their loved ones. This is an absolute right under the Declaration and an obligation that the State should meet in accordance with international law. It also reminds the State that the victims of enforced disappearance and their families should obtain redress and have the right to adequate compensation, including the means for as complete a rehabilitation as possible.

Sudan

130. The visit to Sudan scheduled for November 2017 was postponed due to a lack of understanding about the terms of reference for the visit. The Working Group greatly regrets that, in spite of a preliminary visit undertaken by the Chair-Rapporteur of the Working Group in order to clarify the terms of reference on 5 and 6 December 2017 — and an agreement in principle about the new dates in March 2018 — the Government has never officially accepted the visit.

Syrian Arab Republic

131. The Working Group continues to be gravely concerned (see A/HRC/36/39 para. 105) about the situation in the Syrian Arab Republic, which facilitates the occurrence of enforced disappearances. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

132. The Working Group reiterates its call to the Security Council to consider referring the situation in Syria to the International Criminal Court (see A/HRC/27/49, para. 99, and A/HRC/33/51, para. 103).

133. On 19 September 2011, the Working Group requested an invitation to visit the country. No response has yet been received from the Government in spite of reminders sent on 2 September 2013, 27 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Thailand

134. The Working Group appreciates the meeting held during its 115th session. It recommends that the draft act on prevention and suppression of torture and enforced disappearance be swiftly adopted and that a definition of enforced disappearance in conformity with the Declaration and the Convention be included therein. The act should also prohibit refoulement to another country where the concerned individual may be at risk of enforced disappearance, in conformity with article 8 of the Declaration.

135. On 30 June 2011, the Working Group requested an invitation to visit the country. No positive response has yet been received from the Government in spite of reminders sent on 8 November 2012, 2 September 2013, 28 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Turkey

136. The Working Group is concerned at the allegations concerning the practice of extraterritorial abduction of individuals allegedly belonging to and/or sympathizers of the Hizmet/Gülen movement, as pointed out in a number of communications (see A/WGEID/114/1, paras. 7 and 145). Those individuals are often allegedly forcibly disappeared for a short period of time, in violation of the provisions of the Declaration, and then deported to Turkey.

Turkmenistan

137. On 18 November 2016, the Working Group requested an invitation to visit the country. The Working Group hopes that a positive reply will be received soon.

United Arab Emirates

138. On 13 September 2013, the Working Group requested an invitation to visit the country. No response has yet been received from the Government in spite of reminders sent on 27 October 2014, 27 November 2015, 18 November 2016 and 19 January 2018. The Working Group hopes that a positive reply will be received soon.

Yemen

139. The Working Group continues to be concerned about the situation in Yemen, which may facilitate the occurrence of enforced disappearances (see A/HRC/33/51, para. 109, and A/HRC/36/39, para. 111). It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

140. On 31 October 2017, the Working Group requested an invitation to visit the country. The Working Group hopes that a positive reply will be received soon.

V. Conclusions and recommendations

141. The Working Group is seriously concerned that the number of enforced disappearances continues to be unacceptably high worldwide. A demonstration of this sad reality is the fact that, during the reporting period, the Working Group transmitted 802 newly reported cases of disappearance to 40 States. It used the urgent action procedure in 264 of those cases, which allegedly occurred within the three months preceding the receipt of the report by the Working Group.

142. In spite of the large number of cases, underreporting remains a major problem. More assistance should be provided to family members and members of civil society to enable them to report cases to the Working Group and, more importantly, to keep working on enforced disappearance issues.

143. During the reporting period, the Working Group continued to observe a pattern of "short-term" enforced disappearances being used in a number of countries. The Working Group expresses its deep concern at the phenomenon. It stresses that there is no time limit, no matter how short, for an enforced disappearance to occur and that accurate information on the detention of any person deprived of liberty and their place of detention should be made available promptly to family members.

144. The Working Group is concerned about the situation in a number of countries, as reflected in the present report. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

145. The Working Group continues to be concerned about increasing instances of abductions carried out by non-State actors, which may be tantamount of acts of enforced disappearance. The Working Group will continue to study whether those situations fall under its mandate and, if so, what actions should be taken. The Working Group calls on all relevant stakeholders to take appropriate measures in relation to this issue and to provide information to, and share their views on this matter with, the Working Group.

146. The Working Group has decided to study further the issue of standards and public policies for an effective investigation of enforced disappearances (see paras. 49 et seq. above). It calls upon all States to carefully look into the matter and inform it of any appropriate measures and practices in this regard.

147. The Working Group continues to note a pattern of threats, intimidation and reprisals against victims of enforced disappearance, including family members, witnesses and human rights defenders working on such cases. It calls on States to take specific measures to prevent such acts, protect those working on cases of enforced disappearances and punish the perpetrators, in accordance with article 13 (1) and (3) of the Declaration.

148. Country visits are an integral part of the mandate of the Working Group. Visits allow the Working Group to highlight country practices in addressing enforced disappearance, to assist States in reducing obstacles to implement the Declaration and to ensure direct contact with the family members of victims. The Working Group thanks the Governments of Mali and Ukraine for the invitations extended during the reporting period. It also recognizes the support provided by the Government of the Gambia during the visit carried out in June 2017. During the reporting period, the Working Group requested visits to Mali, Lebanon and Yemen.

149. In addition to having made new requests, the Working Group reiterated its past requests to visit the following countries, without having yet received a positive response: Bangladesh, Bahrain, Belarus, Burundi, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, India, Indonesia, Kenya, Nepal, Nicaragua, Philippines, Russian Federation, Rwanda, South Africa, Syrian Arab Republic, Thailand, Turkmenistan, United Arab Emirates, Uzbekistan and Zimbabwe. There are other countries that have invited the Working Group to visit and/or confirmed invitations, but for which specific dates to visit have not been agreed, such as Algeria and Iran (Islamic Republic of). Visits to Libya, South Sudan and Sudan, which have been accepted by the respective countries, have not materialized so far for different reasons. The Working Group therefore calls upon all States with pending requests for visits to respond favourably to them in the light of Human Rights Council resolution 21/4 and, for those that have agreed to visits, to respond as soon as possible with specific dates.

150. The Working Group reiterates its previous call to be given a role in the follow-up to the findings of the commissions of inquiry and other fact-finding or investigative bodies created by the Human Rights Council insofar as they relate to enforced disappearances (see A/HRC/33/51, para. 119, and A/HRC/36/39, para. 120).

151. The Working Group continues the practice of holding one session each year outside Geneva, in part so as to facilitate interaction with the relatives of disappeared persons and raise awareness of the Working Group's mandate and activities at the local and regional levels. It appreciates the invitation received from the Government of Belgium to hold a session during the reporting period. The Working Group invites other countries to follow this good example.

152. The Working Group once again calls upon States that have not signed and/or ratified the Convention to do so as soon as possible and to accept the competence of the Committee to receive individual cases under article 31 and inter-State complaints under article 32 of the Convention.

Annex I

Country visit requests and invitations extended

Invitations extended to the WGEID

Country	*Date*
Albania	5 to 12 December 2016
Algeria[1]	tbd
Ecuador	tbd
Gambia (the)	12 to 19 June 2017
Iran (Islamic Republic of)[2]	tbd
Kyrgyzstan	tbd
Libya[3]	tbd, postponed
South Sudan[4]	Last quarter of 2016 (did not take place)
Mali	Last quarter of 2018 (tbd)
Sudan[5]	20 to 29 November 2017 (postponed)
Tajikistan	tbd
Ukraine	11 to 20 June 2018

Visits requested by the WGEID

Country	*Request sent*	*Last reminder sent*
Bahrain	27 October 2014	19 January 2018
Bangladesh	12 March 2013	19 January 2018
Belarus	30 June 2011	19 January 2018
Burundi	27 May 2009	19 January 2018
China	19 February 2013	19 January 2018
Democratic Republic of the Congo	17 May 2017	-
Egypt	30 June 2011	19 January 2018
El Salvador	6 October 2017	30 May 2018
India	16 August 2010	19 January 2018
Indonesia	12 December 2006	19 January 2018
Kenya	19 February 2013	19 January 2018

[1] See para. 29 and 83 above.
[2] See para. 29 and 108 above.
[3] See para. 30 and 112 above.
[4] See para. 30 above.
[5] See para. 28 and 132 above.

Visits requested by the WGEID

Country	*Request sent*	*Last reminder sent*
Lebanon	27 November 2015	19 January 2018
Nepal	12 May 2006	19 January 2018
Nicaragua	23 May 2006	19 January 2018
Philippines	3 April 2013	19 January 2018
Russian Federation	2 November 2006	19 January 2018
Rwanda	27 October 2014	19 January 2018
South Africa	28 October 2014	19 January 2018
Syrian Arab Republic	19 September 2011	19 January 2018
Thailand	30 June 2011	19 January 2018
Turkmenistan	18 November 2016	-
The former Yugoslav Republic of Macedonia	27 October 2014	27 November 2015
United Arab Emirates	13 September 2013	19 January 2018
Uzbekistan	30 June 2011	19 January 2018
Zimbabwe	20 July 2009	19 January 2018
Yemen	31 October 20[illegible]	

Annex II

Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2018, and general allegations transmitted

	Cases transmitted to the Government				*Cases clarified by:*		*Status of person at date of clarification*					*General Allegation*	
	Outstanding cases		*Total*										
States/entities	*Cases*	*Female*	*Cases*	*Female*	*Government*	*Sources*	*At liberty*	*In detention*	*Dead*	*Discontinued cases*	*Closed cases*	*GA sent*	*Response*
Afghanistan	3		3										
Albania	1		1										
Algeria	3 228	20	3 257	23	9	20	11	10	8			Yes (2013, 2018)	Yes (2013), No (2018)
Angola	2		12	1	7				7	3			
Argentina	3 084	728	3 444	775	282	78	39	5	316				
Azerbaijan	1		1										
Bahrain	2		18		3	13	2	14				Yes (2014)	Yes
Bangladesh	57	1	60	2	1	2	3					Yes (2011, 2017)	No
Belarus	3		3										
Bhutan	1		1										
Bolivia (Plurinational State of)	28	3	48	3	19	1	19		1				
Bosnia and Herzegovina												Yes (2009/2011/2014)	Yes
Brazil	13		63	4	46	4	1		49				
Bulgaria			3		3				3				
Burkina Faso			3		3				3				
Burundi	66	1	67	1		1	1					Yes (2018)	No
Cambodia	1		3							2			
Cameroon	14		19		5		4	1				Yes (2016)	No
Central African Republic	3		3									Yes (2013)	No
Chad	23		34		3	8	9	1	1				

States/entities	Cases transmitted to the Government				Cases clarified by:		Status of person at date of clarification					General Allegation	
	Outstanding cases		Total										
	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	GA sent	Response
Chile	785	63	908	65	101	22	2		121				
China	45	11	144	25	78	21	60	37	2			Yes (2010/2011/2018)	Yes; No (2018)
Colombia	973	96	1 260	126	219	68	160	24	103			Yes (2012/2013/ 2015/2016/2017)	No (2017)
Congo	89	3	91	3						2			
Cuba			1		1			1					
Czechia												Yes (2009)	Yes
Democratic People's Republic of Korea	233	42	233	42								Yes (2012)	No
Democratic Republic of the Congo	48	11	58	11	6	4	10					Yes (2015)	Yes
Denmark			1			1		1				Yes (2009)	No
Dominican Republic	2		5		2		2			1			
Ecuador	5		27	2	18	4	12	4	6				
Egypt[1,2]	363	8	617	8	144	110	64	188	2			Yes (2011/2016/2017)	Yes; No (2017)
El Salvador	2 282	296	2 673	333	318	73	196	175	20			Yes (2015/2015)	No
Equatorial Guinea	8		8										
Eritrea	62	4	62	4								Yes (2012/2017)	No
Ethiopia	113	1	120	2	3	4	2	5					
France	1		1										
Gambia	13	2	21	2		8	8						
Georgia			1		1				1				
Greece	1		3							2			
Guatemala	2 897	372	3 154	390	177	80	187	6	64			Yes (2011/2013)	Yes

[1] The Working Group determined during its 114th session that one case was a duplicate and subsequently expunged it from the records.

[2] The Working Group determined during its 114th session that one case was a duplicate and subsequently expunged it from the records.

States entities	Cases transmitted to the Government				Cases clarified by:		Status of person at date of clarification					General Allegation	
	Outstanding cases		Total										
	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	GA sent	Response
Guinea	37	2	44	2		7			7				
Guyana	1		1										
Haiti	38	1	48	1	9	1	1	4	5				
Honduras	130	21	210	34	37	43	54	8	18				
India	396	10	476	13	68	12	51	7	22			Yes (2009/2011/2013)	No
Indonesia	164	6	168	3	3	1	3	1				Yes (2011/2013/2017)	No
Iran (Islamic Republic of)	535	103	555	103	15	5	8	3	9			Yes (2017)	No
Iraq	16 419	2 300	16 566	2 317	117	30	122	16	9				
Ireland												Yes (2009)	No
Israel	3		4			1			1				
Japan			4	3									
Jordan	3		6			3	1	2					
Kazakhstan			2			2		2					
Kenya	77		77									Yes (2011/2014/2016/2017)	No
Kuwait	1		2			1		1					
Lao People's Democratic Republic	2	1	11	2		8		7	1	1			
Lebanon	314	19	323	19	2	7	8	1					
Libya[3]	50		59	1		9	6	2	1			Yes (2014)	No
Lithuania												Yes (2012)	Yes
Malaysia	2		4			1		1		1			
Maldives	1		1										
Mauritania	5		6		1			1					

[3] The Working Group determined during its 115th session that one case was a duplicate and subsequently expunged it from the records.

States/entities	Cases transmitted to the Government				Cases clarified by:		Status of person at date of clarification					General Allegation	
	Outstanding cases		Total										
	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	GA sent	Response
Mexico[4]	371	33	562	43	134	39	83	18	72	18		Yes (2013/2014/2017/ 2017/2017)	No (2014 and one of 2017)
Montenegro			16	1	1			1		14	1		
Morocco[5]	160	9	394	31	160	53	141	16	56	21		Yes (2013)	Yes
Mozambique	3		3										
Myanmar	2	1	9	6	7		5	2				Yes (2017)	No
Namibia	2		3			1	1						
Nepal	480	60	694	73	135	79	153	60	1			Yes (2014)	No
Nicaragua	103	2	234	4	112	19	45	11	75				
Nigeria	1		8		6	1	7						
Oman			1			1	1						
Pakistan[6]	747	9	1 000	10	167	86	150	84	19			Yes (2015, 2017)	No (2017)
Paraguay			23		20		19		1	3		Yes (2014)	Yes
Peru	2 364	236	3 006	311	254	388	450	85	107				
Philippines	625	74	786	94	126	35	112	19	30			Yes (2009/2012)	No
Romania			1		1		1						
Republic of Korea	3		3										
Russian Federation	809	38	821	40	2	10	12					Yes (2016, 2018)	No (2018)
Rwanda	23	3	26	2		2	1	1		1			
Saudi Arabia[7]	12	1	25		5	6	3	7	1	2			
Serbia			1		1		1						
Seychelles	3		3										
Somalia	1		1										

[4] The Working Group decided at its 114th session to discontinue the consideration of two outstanding cases in accordance with paragraph 28 of its methods of work.

[5] The Working Group determined during its 115th session that four cases were duplicates and subsequently expunged them from the records.

[6] The Working Group determined during its 114th and 115th sessions that nine cases were duplicates and subsequently expunged them from the records.

[7] The Working group decided at its 115th session to reopen two cases.

States entities	Cases transmitted to the Government				Cases clarified by:		Status of person at date of clarification					General Allegation	
	Outstanding cases		Total										
	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	GA sent	Response
South Africa	2	1	13	2	3	2	1	1	3	6			
South Sudan	3		3										
Spain	6		9		3				3			Yes (2014)	Yes
Sri Lanka	5 958	121	12 549	191	6 551	40	118	27	6 446			Yes (2011/2014)	Yes
Sudan	176	5	392	37	206	10	213	3					
Switzerland			1		1			1					
Syrian Arab Republic	287	26	345	12	16	42	31	21	6			Yes (2) (2011)	Yes
Tajikistan[8]	1		8		5	2	1		6				
Thailand	86	9	90	8	2		1	1		2		Yes (2008, 2018)	No
The former Yugoslav Republic of Macedonia												Yes (2009)	No
Timor-Leste	428	29	504	36	58	18	51	23	2				
Togo	10	2	11	2		1	1						
Tunisia	12		29	1	12	5	2	15					
Turkey	92	3	227	14	82	52	75	27	32	1			
Turkmenistan	5		8		3			2	1				
Uganda	15	2	22	4	2	5	2	5					
Ukraine	6		9		2	1	2		1				
United Arab Emirates[9]	5	1	43	5	8	30	10	28					
United Republic of Tanzania			2		2			2					
United States of America	5		6		1		1						
Uruguay	20	2	34	7	13	1	5	4	5			Yes (2013/2015/2018)	No (2018)
Uzbekistan	7		20		12	1	2	11					

[8] The Working Group decided at its 114th session to discontinue the consideration of two outstanding cases in accordance with paragraph 28 of its methods of work.

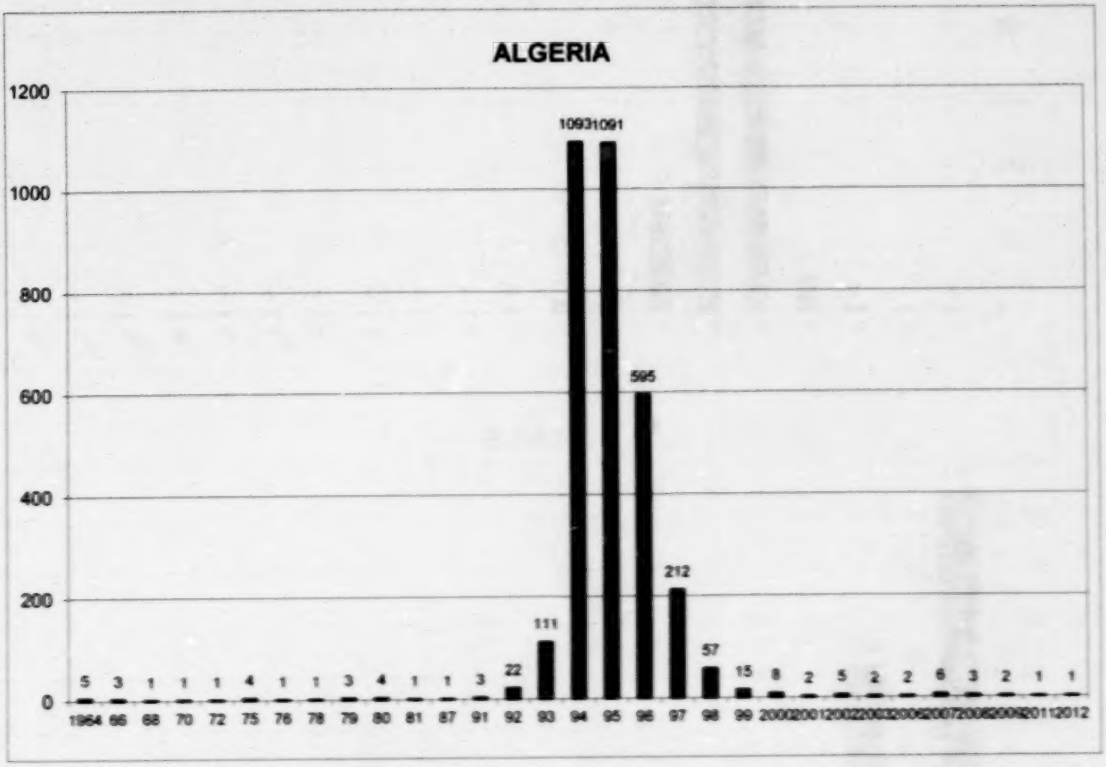
[9] The Working Group decided at its 113th session to discontinue the consideration of three outstanding cases in accordance with paragraph 28 of its methods of work.

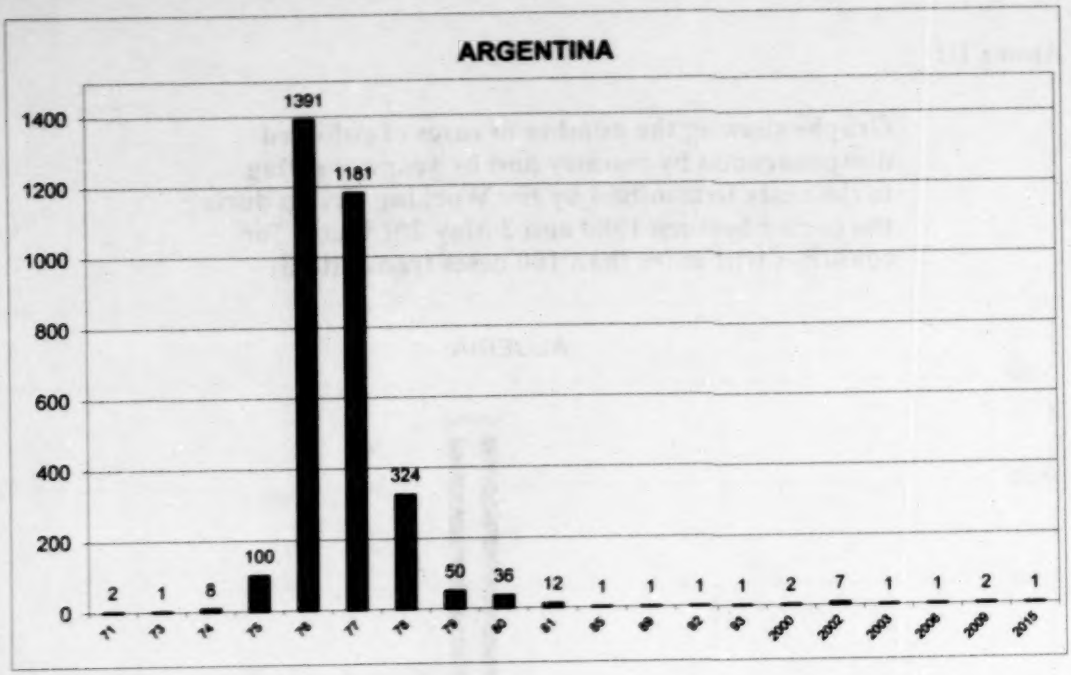
States entities	Cases transmitted to the Government				Cases clarified by:		Status of person at date of clarification					General Allegation	
	Outstanding cases		Total										
	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	GA sent	Response
Venezuela (Bolivarian Republic of)	15	2	19	3	4		1		3				
Viet Nam			2		2		1	1					
Yemen[10]	14		172		135	9	66	5	73	14			
Zambia			1	1		1		1					
Zimbabwe	5	1	7	1	1	1	1		1			Yes (2009)	No
State of Palestine	4	1	5	1		1	1						

[10] The Working Group decided at its 113th session to transfer one case from Oman to Yemen.

Annex III

Graphs showing the number of cases of enforced disappearances by country and by year according to the cases transmitted by the Working Group during the period between 1980 and 2 May 2018 (only for countries with more than 100 cases transmitted)

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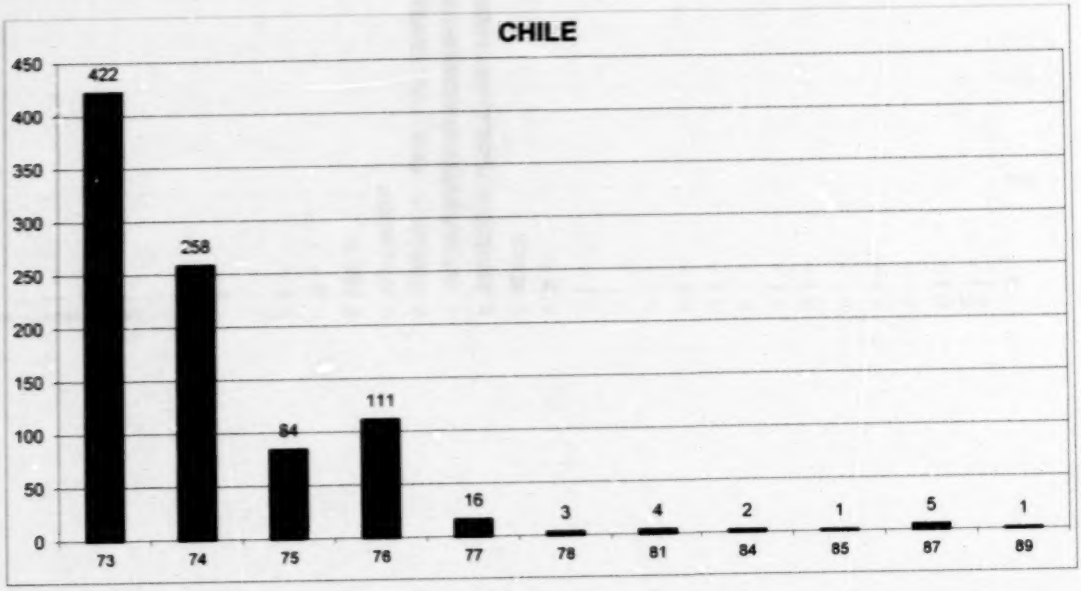
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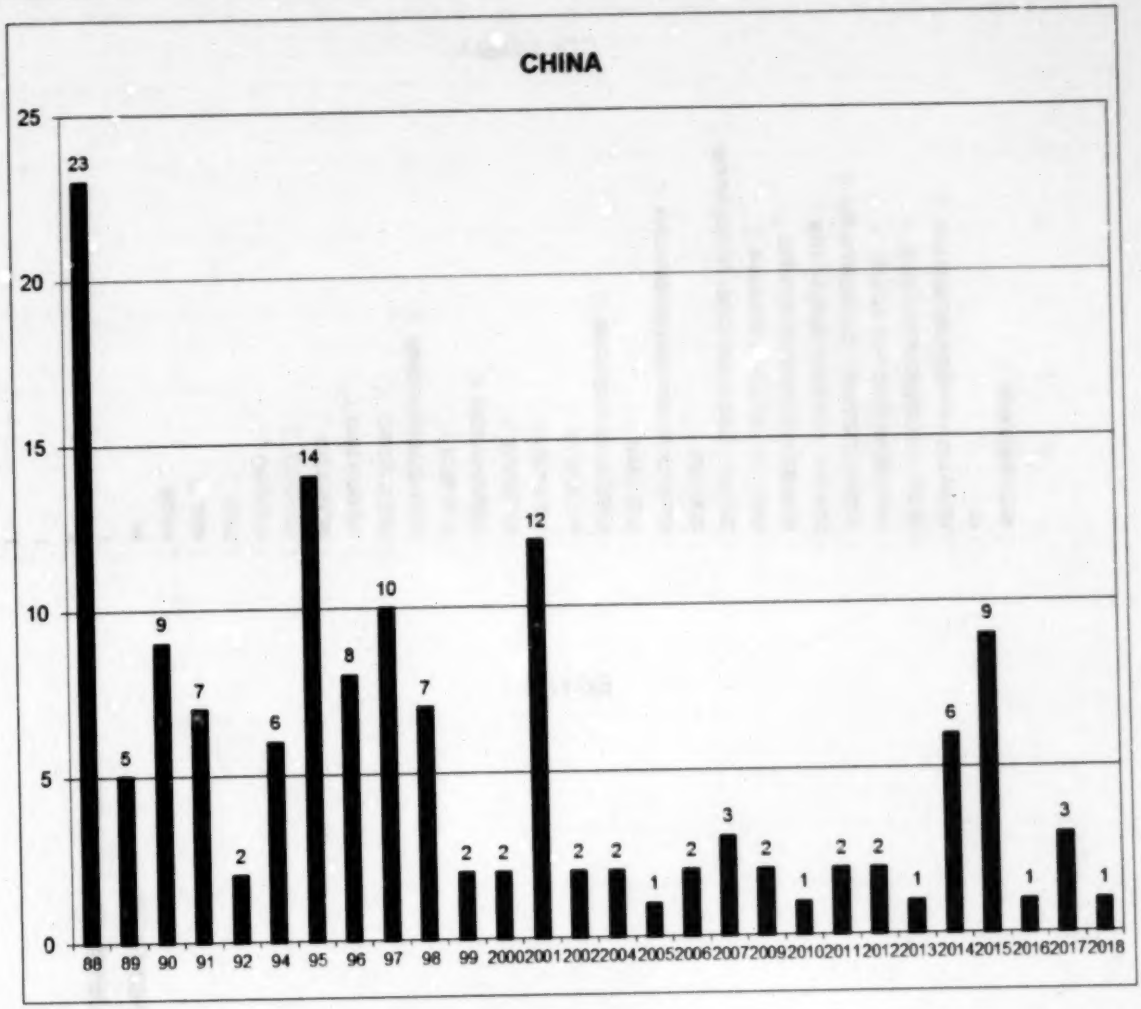
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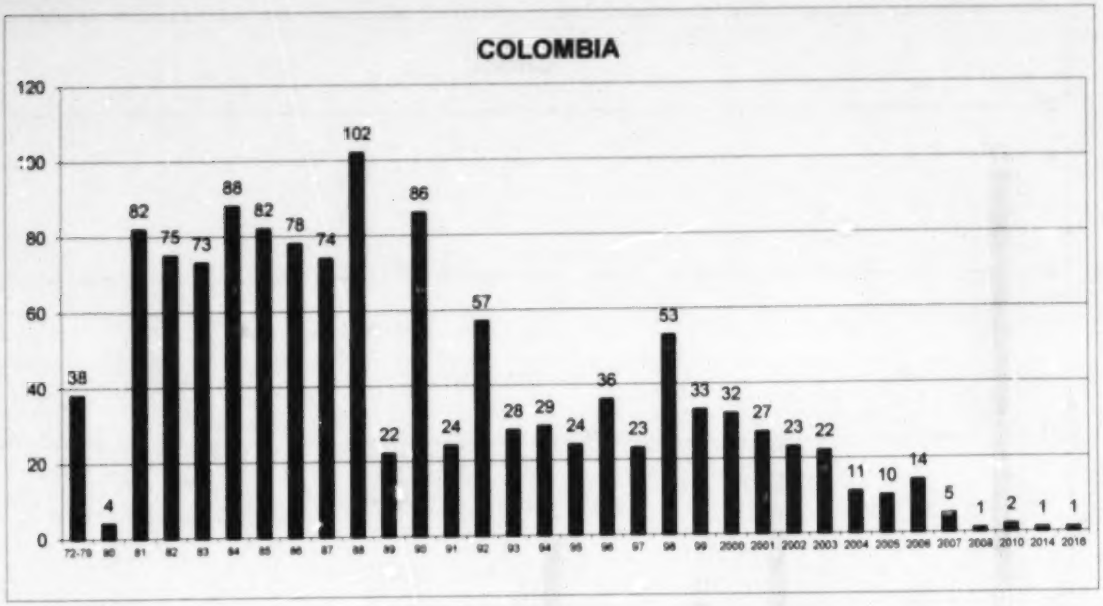
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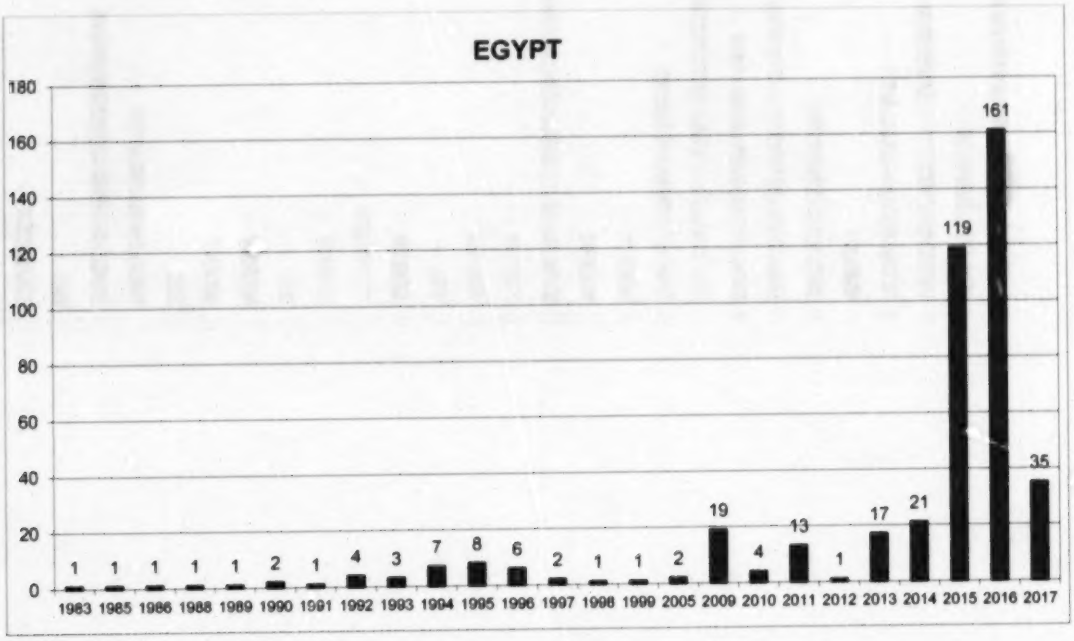
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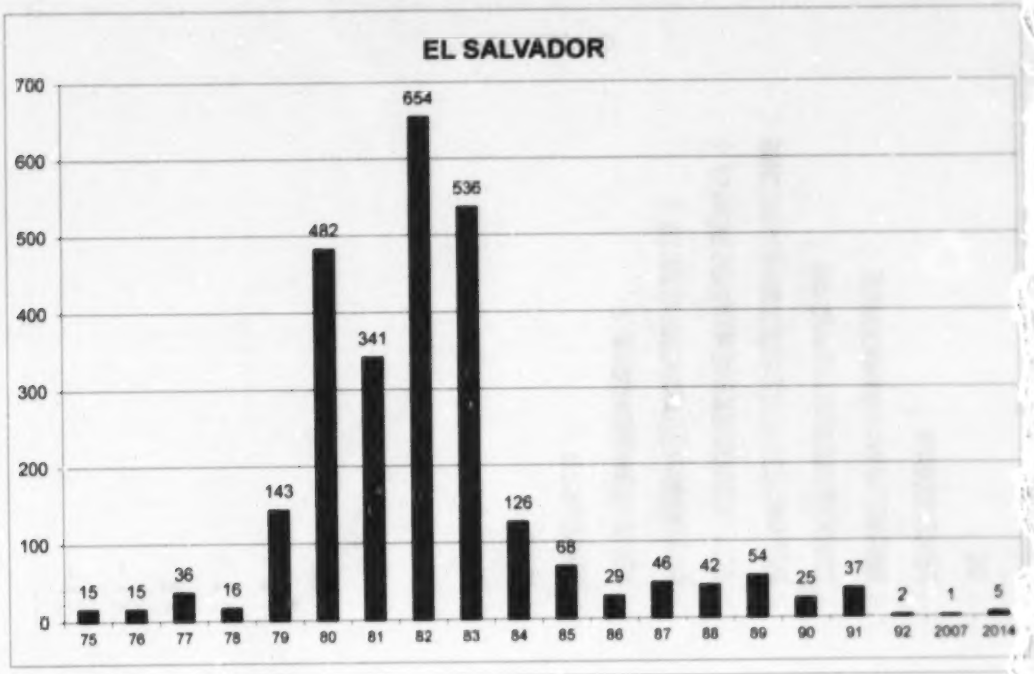
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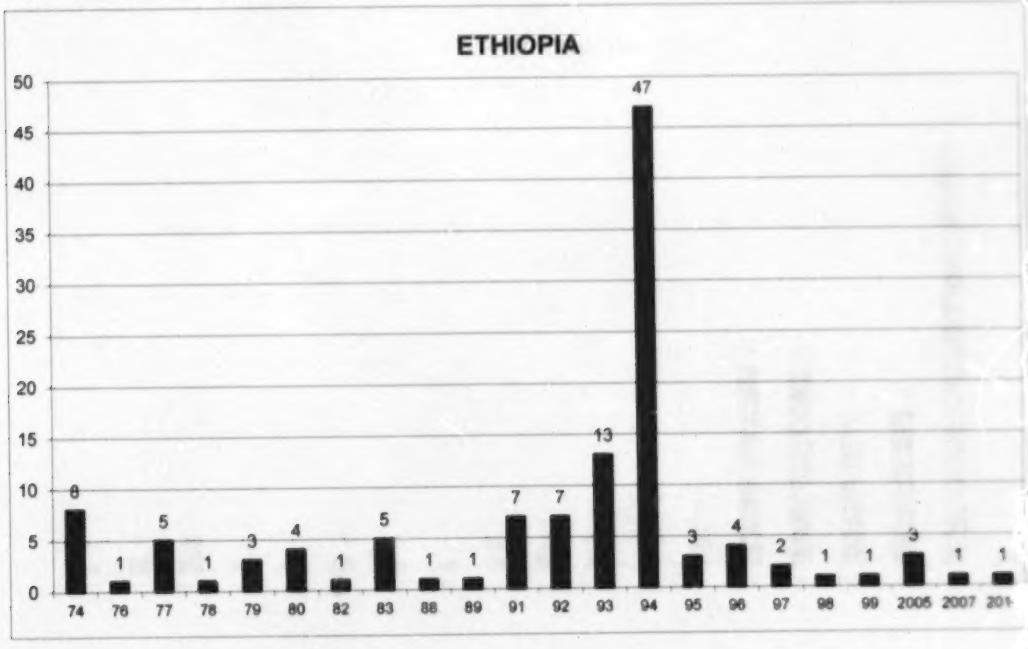
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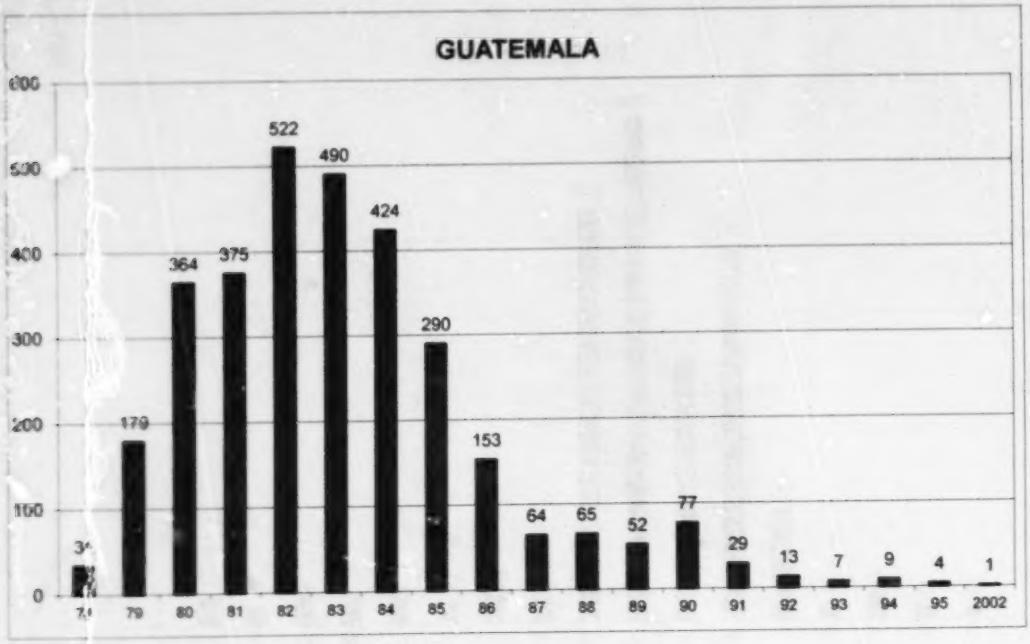
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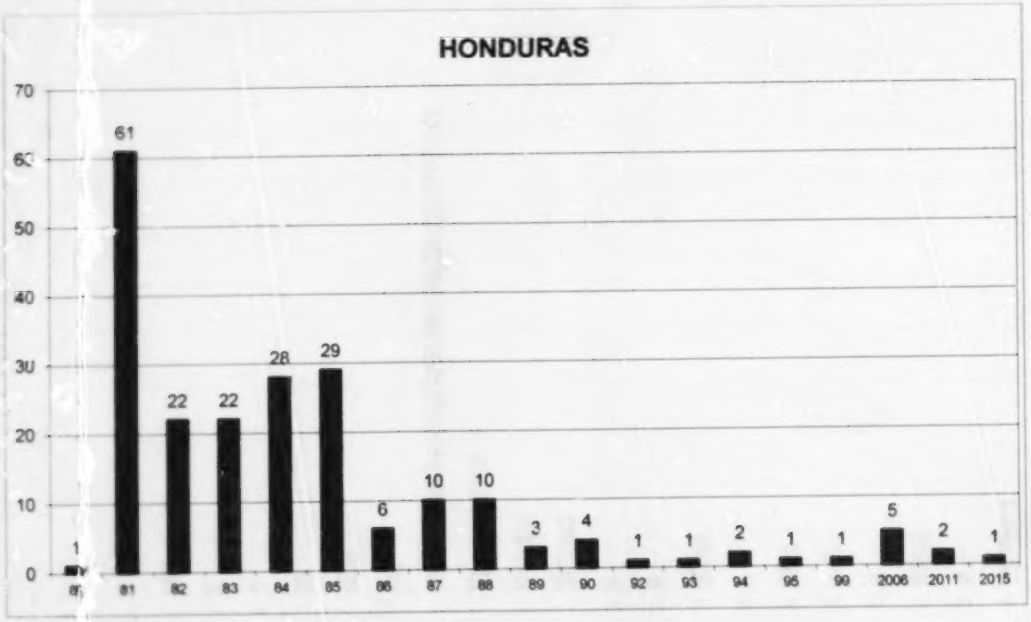
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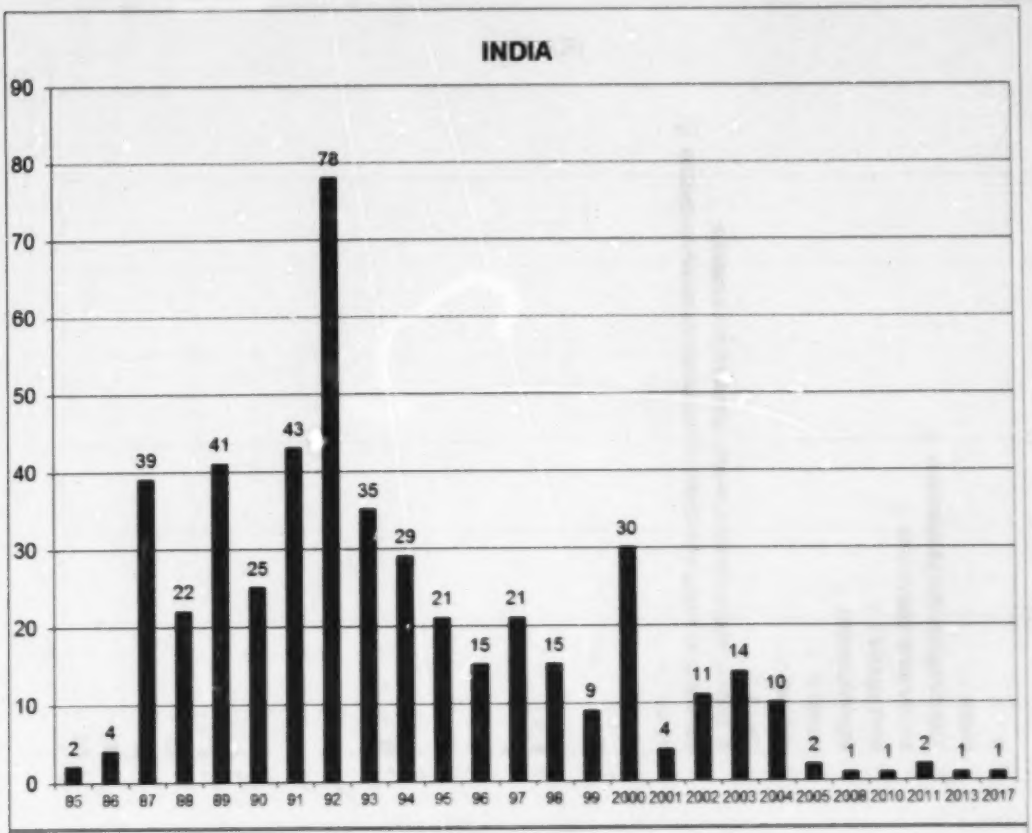
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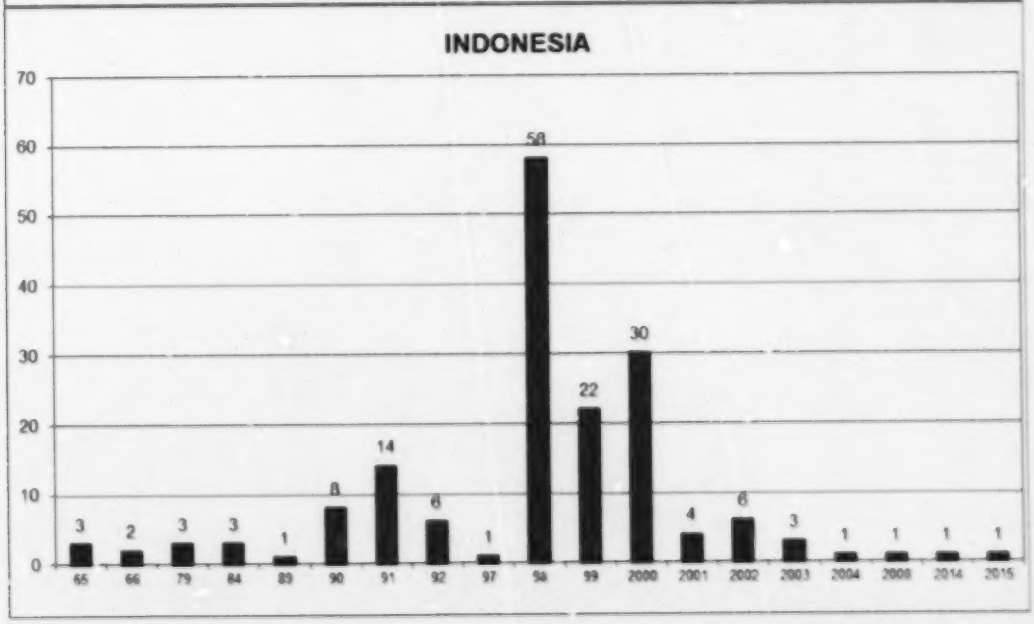
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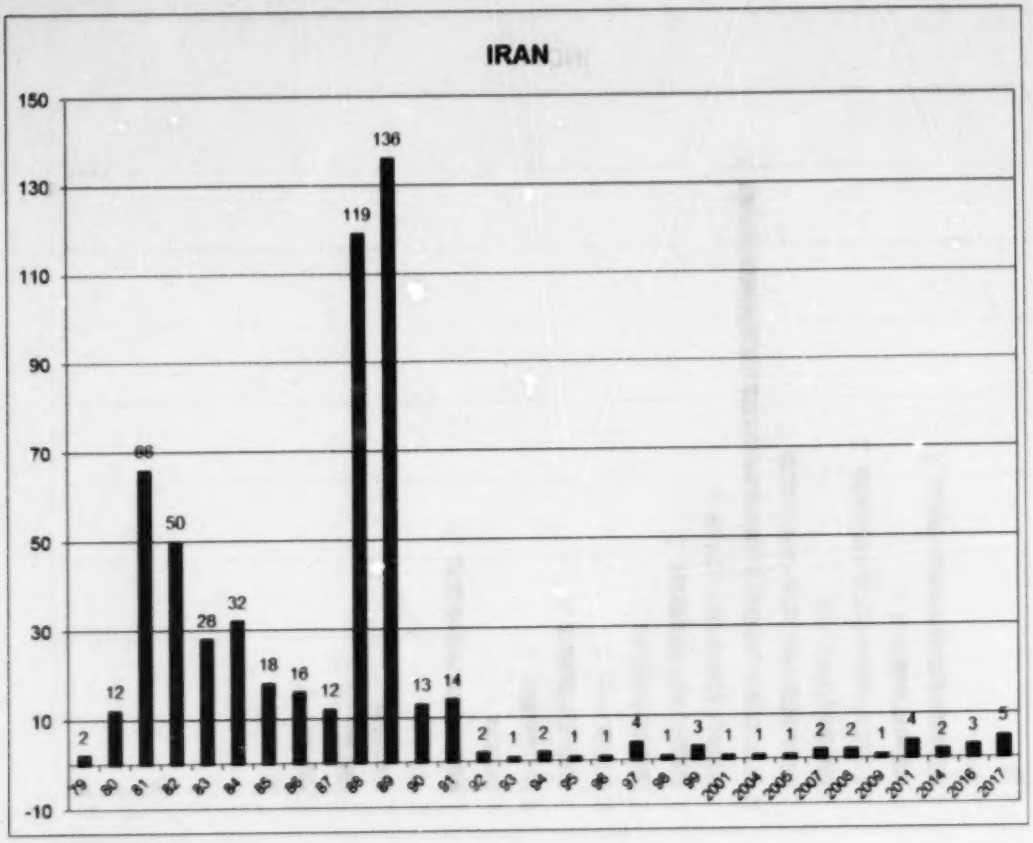
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136
13
14
2
1
2
1
1
4
1
3
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1
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2
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79
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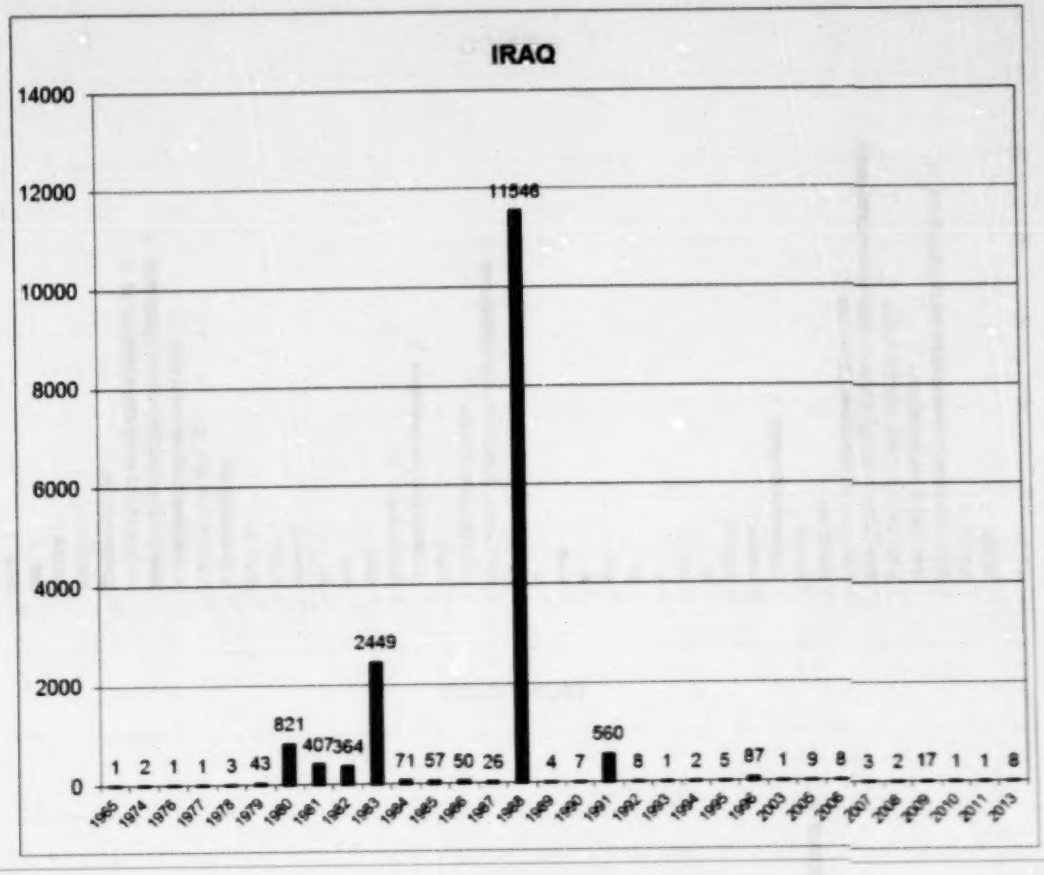
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12000
10000
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6000
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2449
821
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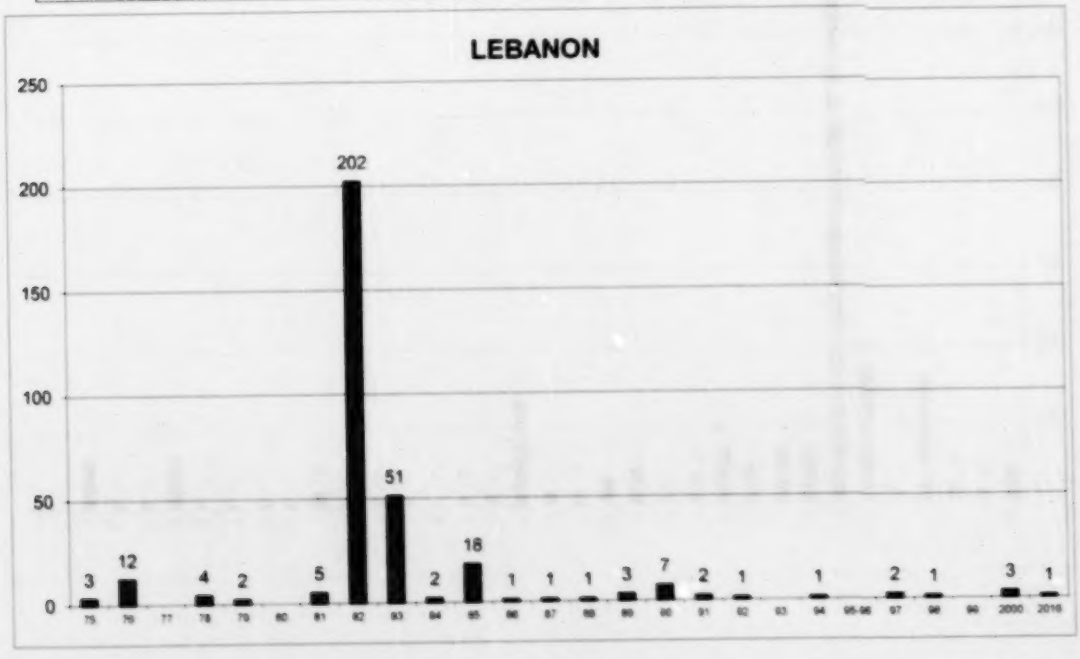
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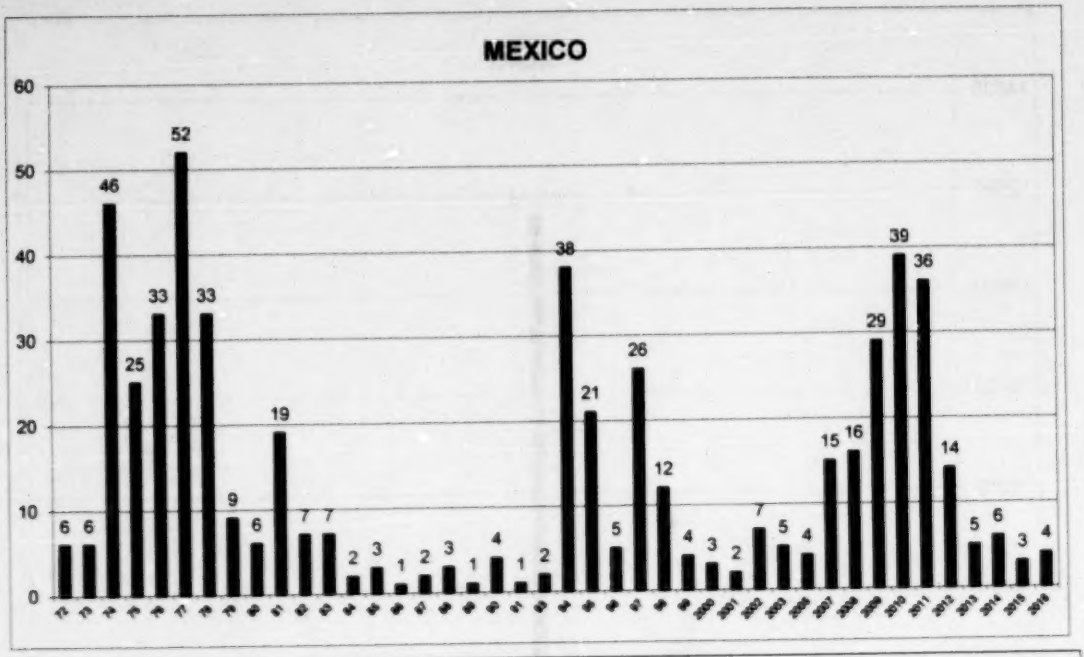
3 4 2 5 2 1 1 1 3 7 2 1 1 2 1 3 1
75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95-96 97 98 99 2000 2016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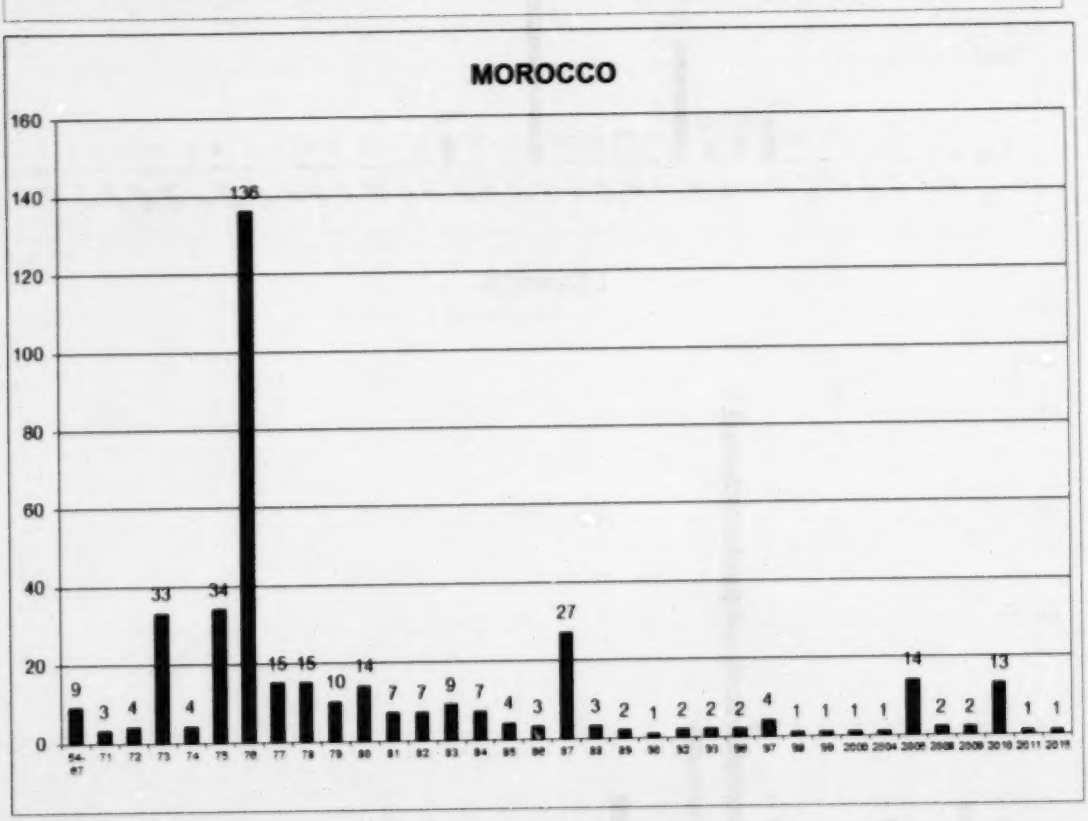
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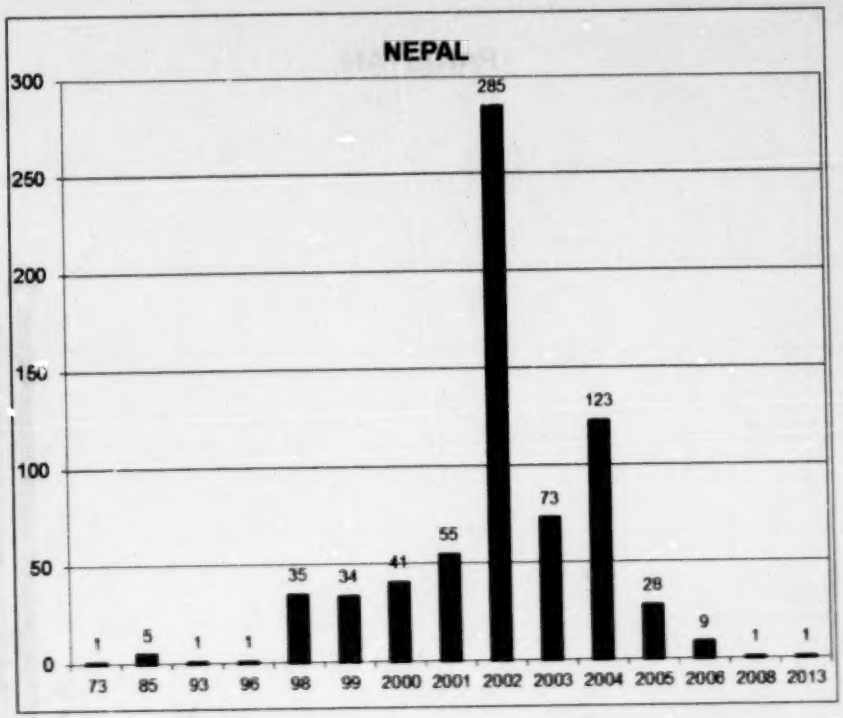
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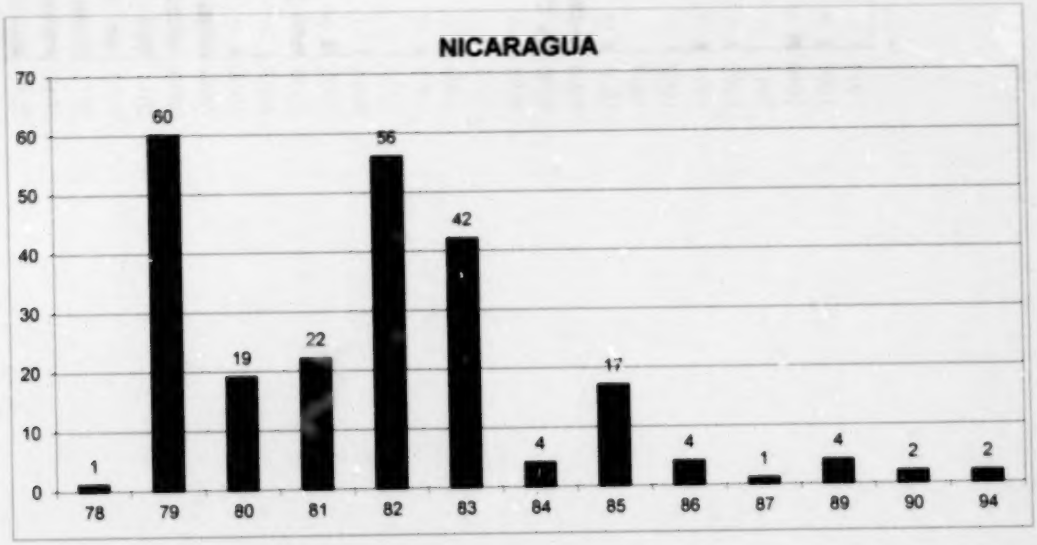
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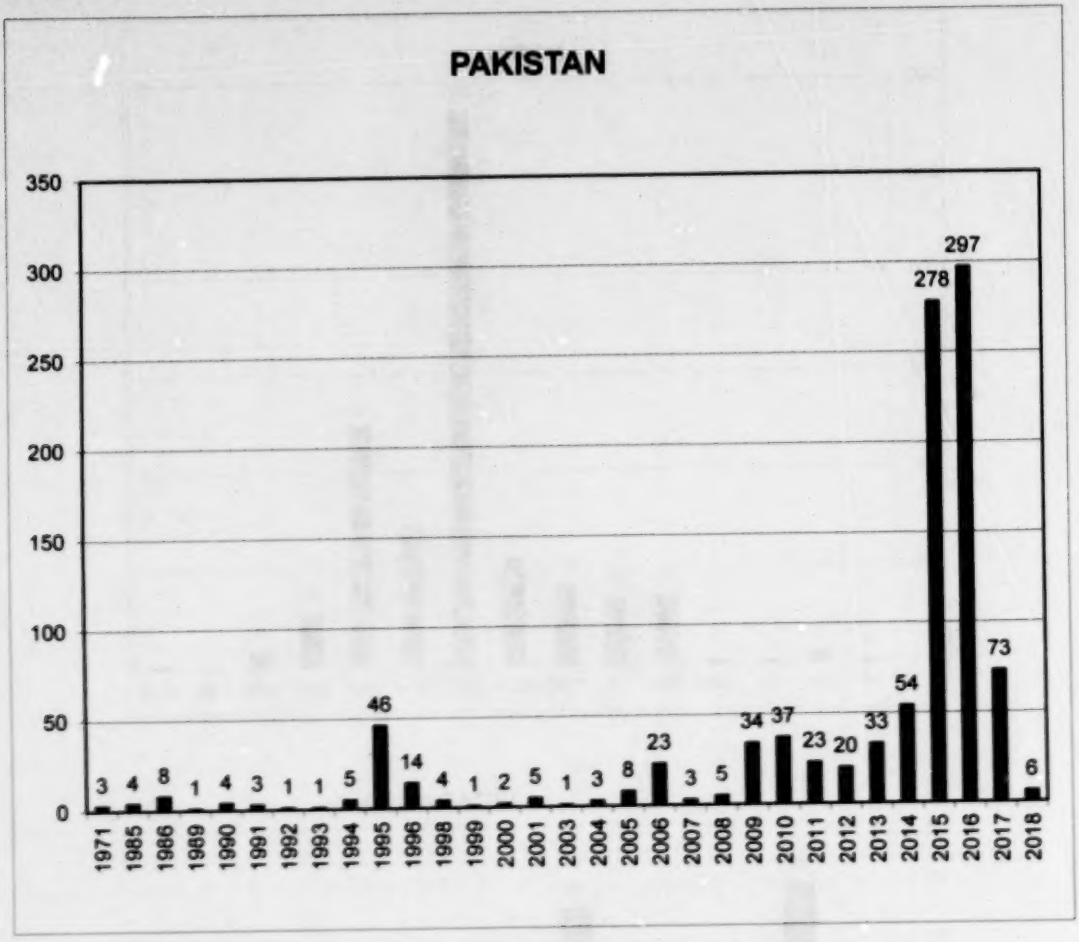
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278
297
73
6
1971
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1986
1989
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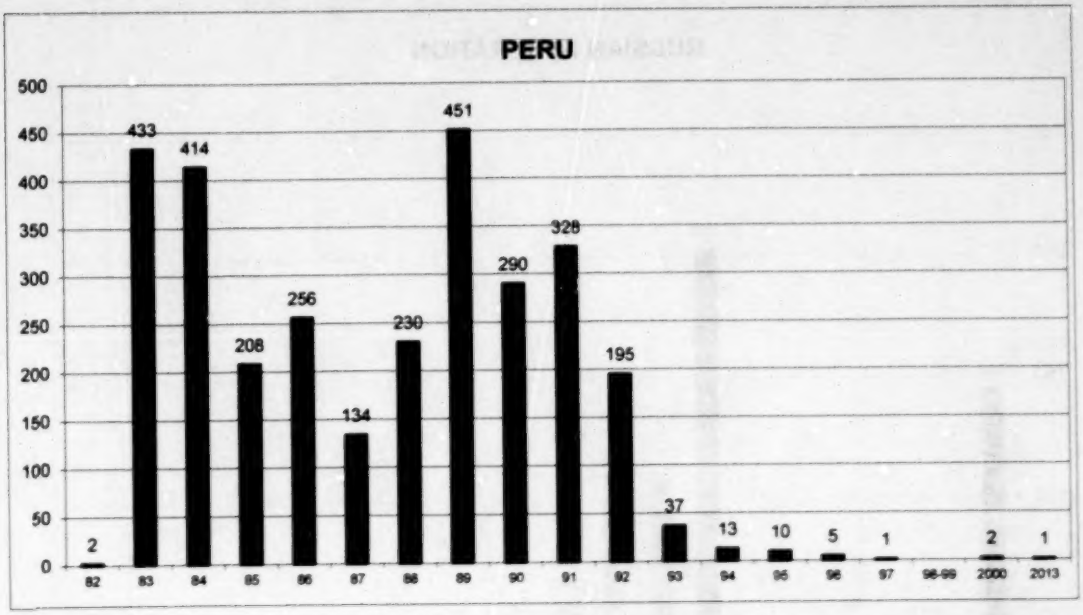
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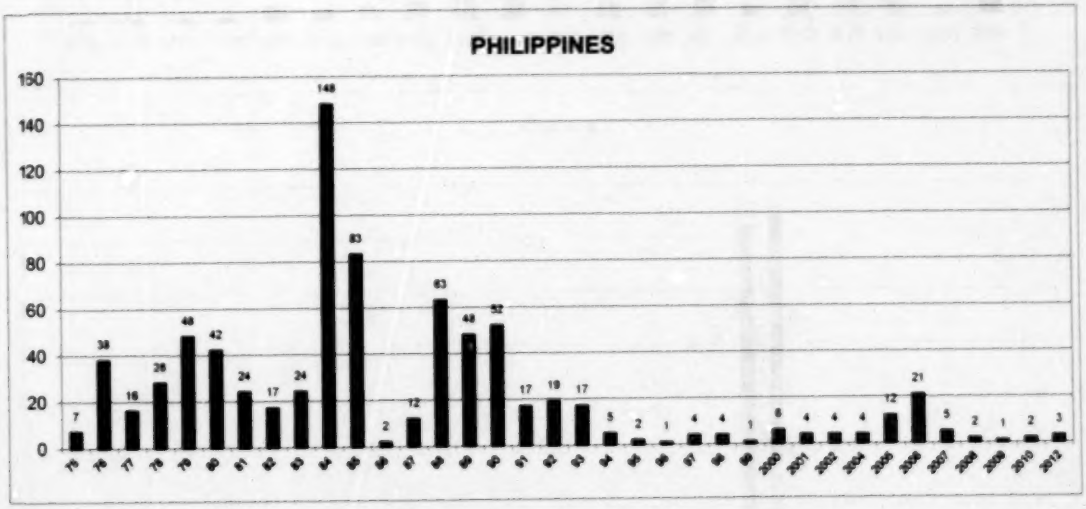
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48
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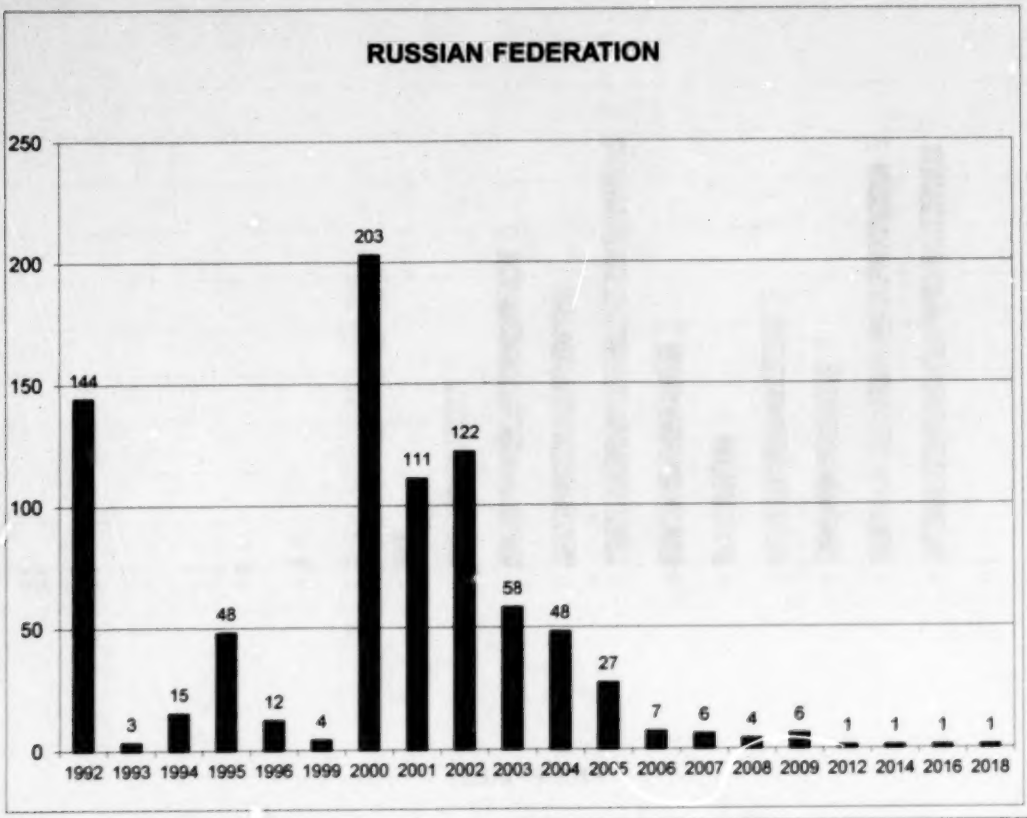
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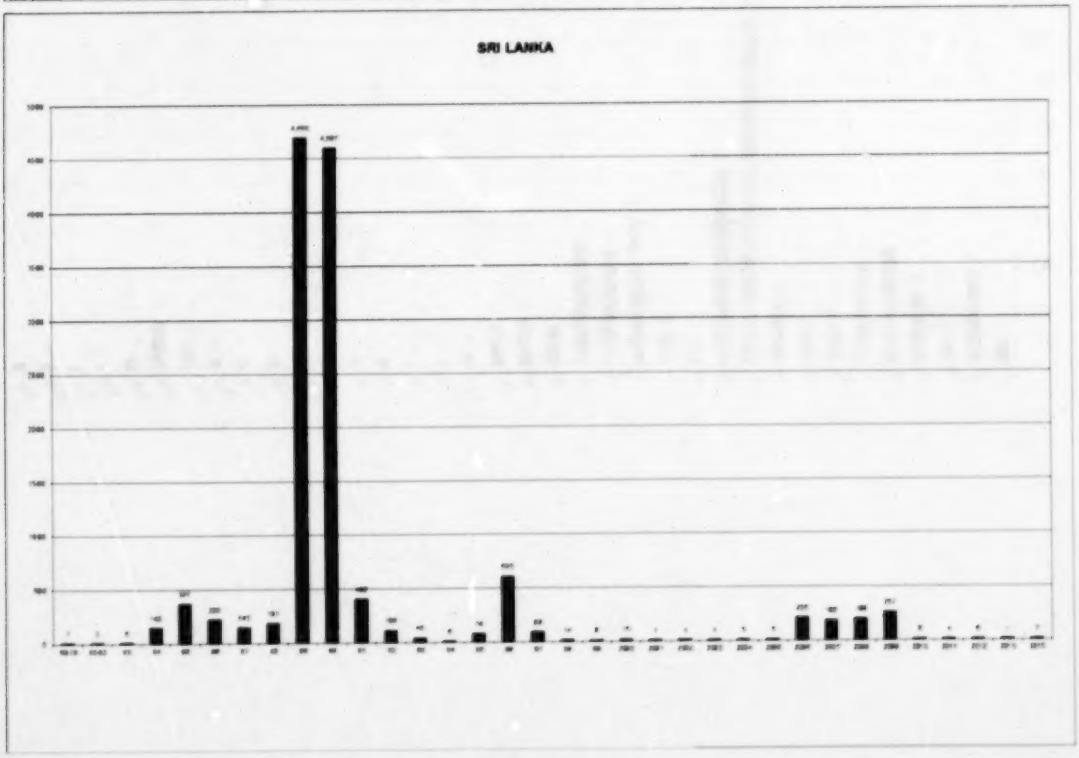
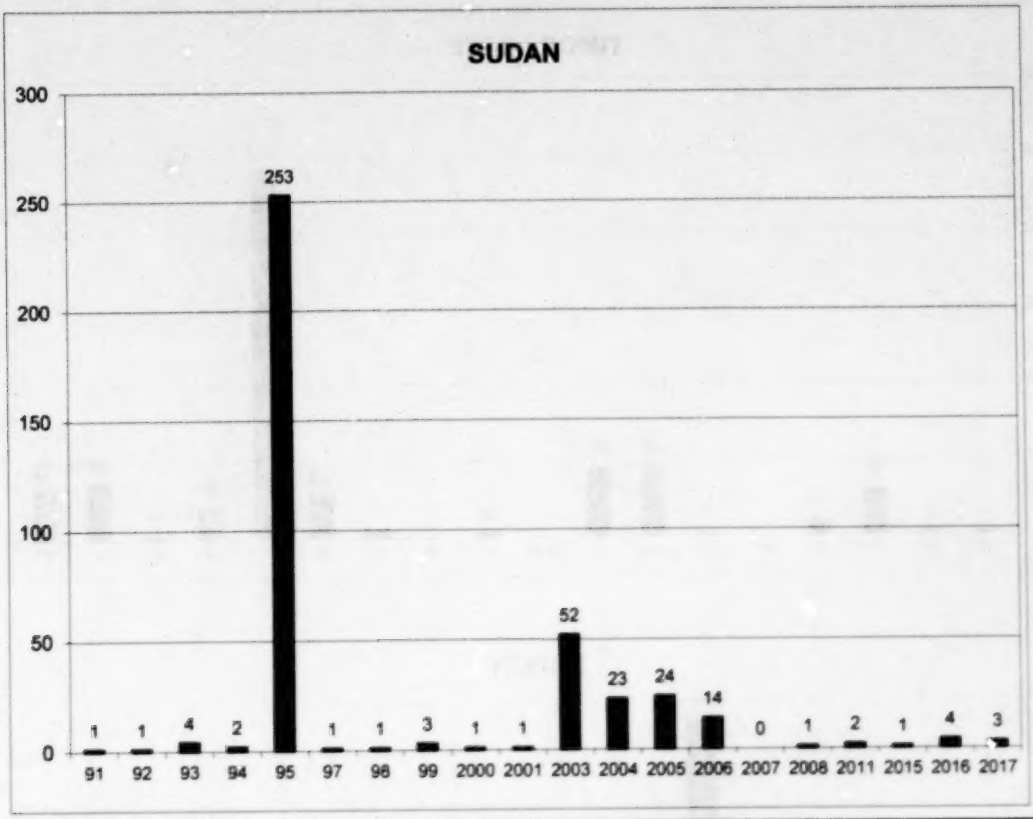

SRI LANKA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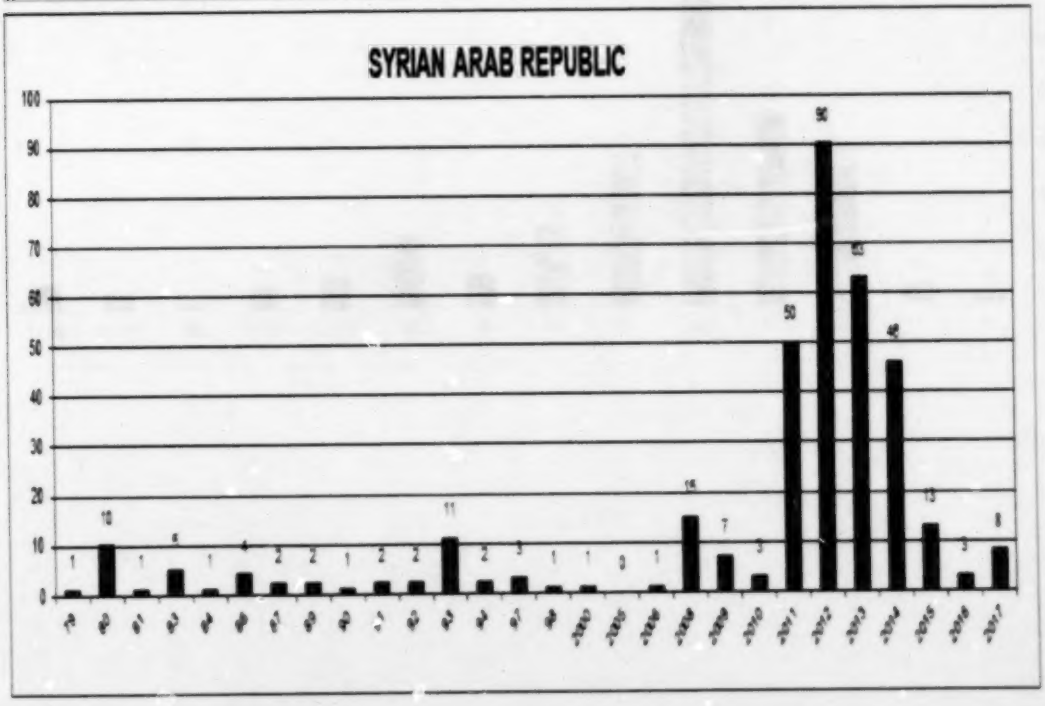
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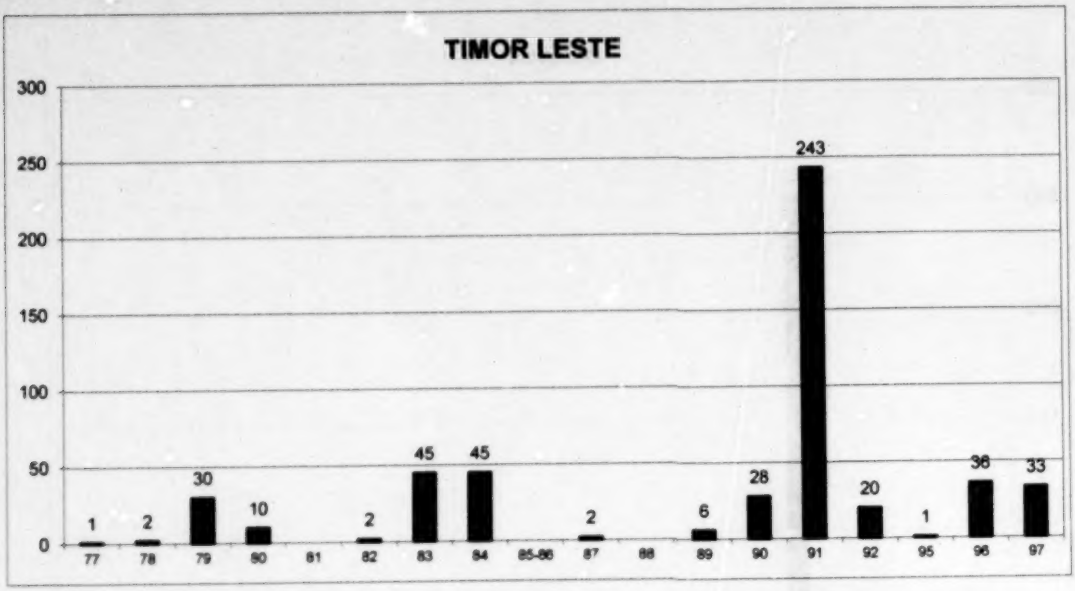
TIMOR LESTE
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1
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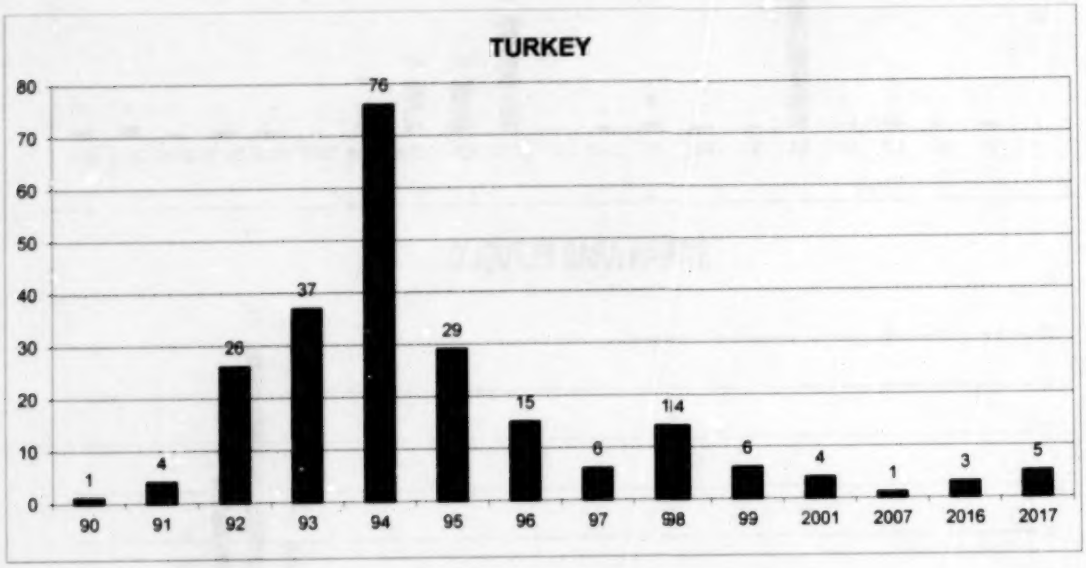
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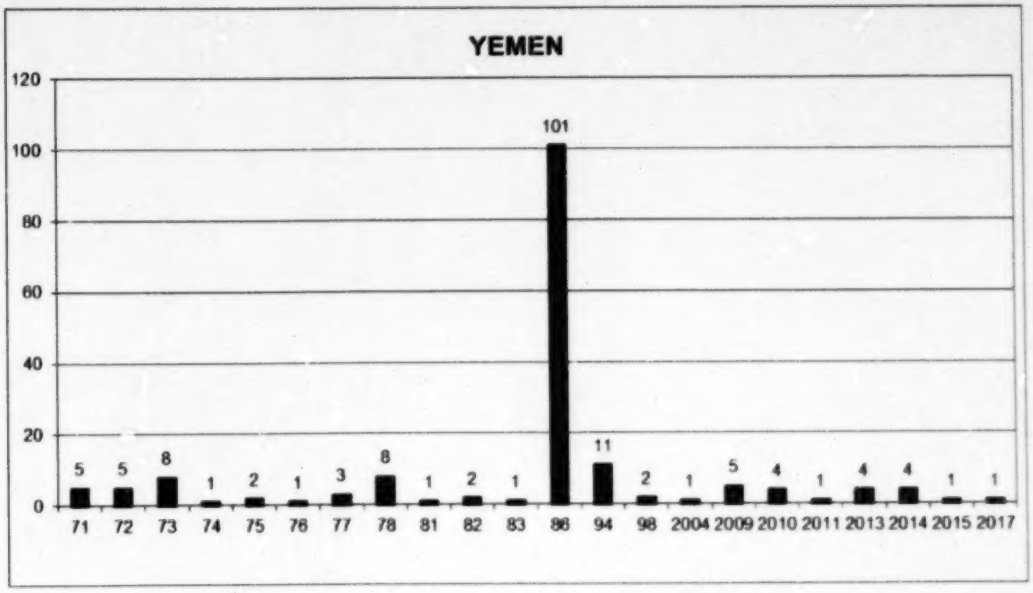
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